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## STATE OF NEW HAMPSHIRE

### THE GOVERNOR AND EXECUTIVE COUNCIL

Governor: John H. Lynch

#### Executive Council Members:

Hon. Raymond S. Burton (First District)  
Hon. John D. Shea (Second District)  
Hon. Beverly A. Hollingworth (Third District)  
Hon. Raymond J. Wieczorek (Fourth District)  
Hon. Debora B. Pignatelli (Fifth District)

\* \* \* \* \*

#### IN RE:

COMMISSIONER BODI

10-001

\* \* \* \* \*

REMOVAL PETITION held before Governor John H.  
Lynch and the Executive Council at the Legislative  
Office Building, Rooms 301 - 303, 33 North State  
Street, Concord, New Hampshire, on Wednesday,  
September 22, 2010, commencing at 2:02 p.m.

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## Court Reporter:

Debra L. Mekula, LCR, RMR  
Licensed Court Reporter  
Registered Merit Reporter  
NH LCR No. 26 (RSA 310-A)

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## I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Harvey Hill	555	560	561	--

## EXAMINATION BY THE GOVERNOR AND EXECUTIVE COUNCIL

Mark Bodi Page 571

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## E X H I B I T S

PETITIONER'S:	FOR ID	IN EVIDENCE
1 - Search warrant December 14, 2009	--	Prior to hearing
2 - Search warrant December 15, 2009	--	Prior to hearing
3-A - Photograph	--	Prior to hearing
3-B - Photograph	--	Prior to hearing
3-C - Photograph	--	Prior to hearing
3-D - Photograph	--	Prior to hearing
3-E - Photograph	--	Prior to hearing
3-F - Photograph	--	Prior to hearing
4 - Administrative Notice	--	Prior to hearing

## E X H I B I T S .

## PETITIONER'S: FOR ID IN EVIDENCE

5 - Commissioner Bodi's -- Prior to  
oath hearing

6 - Chapter P-251 of  
the New Hampshire  
Division of Liquor  
Enforcement Licensing  
Administration and Prior to  
Operations Manual hearing 157

7 - Chapter O-405 of  
the New Hampshire  
Division of Liquor  
Enforcement Licensing  
Administration and Prior to  
Operations Manual hearing 504

8 - Memo dated Prior to  
December 9, 2009 hearing 335

## RESPONDENT'S

A - Transcript of  
Mark Bodi's Grand Prior to  
Jury testimony hearing 171

B - Suspension letter  
dated February 19, Prior to  
2010 hearing --

C - WITHDRAWN

	E	X	H	I	B	I	T	S	
	RESPONDENT'S:			FOR ID			IN EVIDENCE		
1									
2									
3	D -	Senior Assistant							
4		Attorney General							
5		Jane Young's							
6		letter dated							
7		February 25, 2010							
8		with subpoena				Prior to			
9		duces tecum				hearing		--	
10	E -	Senior Assistant							
11		Attorney General							
12		Jane Young's							
13		letter dated				Prior to			
14		March 8, 2010				hearing		--	
15	F -	Letter dated							
16		March 18, 2010							
17		to Attorney Jane							
18		Young from							
19		Attorney Phil				Prior to			
20		McLaughlin				hearing		--	
21	G -	Letter dated							
22		May 6, 2010							
23		to Attorney Jane							
24		Young from							
25		Attorney Phil				Prior to			
26		McLaughlin				hearing		--	
27	H -	Letter dated							
28		May 12, 2010							
29		to Clerk,							
30		Merrimack							
31		County Superior							
32		Court from the							
33		Attorney General							
34		with "Motion to							
35		Unseal" filed				Prior to			
36		under seal				hearing		--	

## RESPONDENT'S: FOR ID IN EVIDENCE

23

	E	X	H	I	B	I	T	S	
	RESPONDENT'S:			FOR ID			IN EVIDENCE		
1									
2									
3	O - Recorded interview								
4	of Chief Eddie								
5	Edwards						Prior to		--
6	P - Recorded interview								
7	of Major Todd						Prior to		
8	Feyrer						hearing		--
9	Q - Recorded interview								
10	of Chief Eddie						Prior to		
11	Edwards						hearing		--
12	R - Recorded interview						Prior to		
13	of Randy Filiault						hearing		--
14	S - Recorded interview								
15	of Representative						Prior to		
16	Dan Eaton						hearing		--
17	T - WITHDRAWN								
18	U - Brochure entitled,								
19	"Senate Ways and								
20	Means Committee,								
21	SB 181, Liquor								
22	Commission								
23	Modernization						Prior to		
24	Act 2009"						hearing		--
25	V - Chronology of								
26	events prepared						Prior to		
27	by Chairman Bodi						hearing		--
28	W - Deposition of								
29	Chief Eddie						Prior to		
30	Edwards						hearing		--
31	X - Deposition of								
32	Major Todd						Prior to		
33	Feyrer						hearing		--

## E X H I B I T S

RESPONDENT'S: FOR ID IN EVIDENCE

Y - Text of NH RSA  
176:1, 2, 3, 4,  
7 and 8  
Prior to  
hearing --

Z - Investigator  
Richard Tracy's  
Memorandum to  
File dated  
February 11, 2010  
Prior to  
hearing 527

AA - Chairman Bodi's  
letter dated  
February 11,  
2010 to Senior  
Assistant General  
Jane Young  
Prior to  
hearing --

BB - Transcript of  
voice mail  
message dated  
February 9,  
2010 from  
Chairman Bodi  
to Investigator  
Richard Tracy  
Prior to  
hearing 526

CC - WITHDRAWN

DD - WITHDRAWN

EE - Copy of Attorney  
General's Office  
Web page  
Prior to  
hearing 528

FF - Union Leader  
August 6 and  
August 7, 2010  
Prior to  
hearing --



## E X H I B I T S

RESPONDENT'S: FOR ID IN EVIDENCE

GG - Attorney General

response and

disclosure of

September 13, 2010

Prior to

hearing

--

HH - Harvey Hill

Prior to

Memorandum

hearing

564

JJ - Letter addressed

to Whom It May

Concern from

Joseph Fussell

Prior to

hearing

125

KK - Copy of

Commissioner

Bodi's prepared

opening statement

538

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<p style="text-align: right;">549</p> <p>1           P R O C E E D I N G S</p> <p>2           ( The proceedings commence at 2:02 p.m.)</p> <p>3           GOVERNOR LYNCH: Okay. Good afternoon,</p> <p>4           everybody. Attorney McLaughlin, is it your turn</p> <p>5           now to go forward?</p> <p>6           MR. MCLAUGHLIN: I don't think the State</p> <p>7           has formally closed, but I believe it</p> <p>8           substantively has.</p> <p>9           MS. RICE: Governor, thank you. Before</p> <p>10          we formally rest our case, I would like to move</p> <p>11          into evidence the Petitioner -- I mean the</p> <p>12          Respondent's Exhibit Q for ID, which is the</p> <p>13          transcript of Eddie Edwards' interview with the</p> <p>14          Attorney General's Office.</p> <p>15          GOVERNOR LYNCH: Any objection?</p> <p>16          MR. MCLAUGHLIN: Yes, I do, Governor.</p> <p>17          Mr. Edwards had the chance to be here. He was</p> <p>18          called by the State. He testified. He was cross-</p> <p>19          examined. If this document is moved in now after</p> <p>20          the fact, I can't cross-examine that document. I</p> <p>21          have no idea why it would be moved in, what</p> <p>22          arguments would be made with respect to it. From</p> <p>23          my perspective, it just denies fair opportunity</p>	<p style="text-align: right;">550</p> <p>1           for confrontation for my client, and I object to</p> <p>2           it.</p> <p>3           GOVERNOR LYNCH: Okay. Let me --</p> <p>4           MS. RICE: If I could state my basis for</p> <p>5           that?</p> <p>6           GOVERNOR LYNCH: Sure.</p> <p>7           MS. RICE: It is very clear from Chief</p> <p>8           Edwards' testimony yesterday that his position with</p> <p>9           respect to the events at issue had changed or at</p> <p>10          least his perspective on the events had changed</p> <p>11          from the time that he gave his statement to the</p> <p>12          Attorney General's Office to the time that he came</p> <p>13          to testify here.</p> <p>14          This is the same as the Grand Jury</p> <p>15          testimony of Commissioner Bodi. Commissioner Bodi</p> <p>16          has had ample time and will have more time to</p> <p>17          offer testimony to this -- this tribunal, and I</p> <p>18          think for the same reasons. Attorney McLaughlin</p> <p>19          had a copy of Chief Edwards' testimony. He</p> <p>20          confronted Chief Edwards with some of the</p> <p>21          testimony in that transcript. It was marked as an</p> <p>22          exhibit for identification by Attorney McLaughlin</p> <p>23          for purposes of using it for cross-examination.</p>
<p style="text-align: right;">551</p> <p>1           So, for those reasons, I would ask that this be</p> <p>2           admitted as a full exhibit.</p> <p>3           MR. MCLAUGHLIN: May I respond,</p> <p>4           Governor?</p> <p>5           GOVERNOR LYNCH: Yes, please.</p> <p>6           MR. MCLAUGHLIN: Thank you. It is the</p> <p>7           same? It is not the same. The Grand Jury</p> <p>8           transcript is in, yes. Without objection, as I</p> <p>9           understand it. Moreover, the Attorney General</p> <p>10          articulated an intent to use the Grand Jury</p> <p>11          testimony to impeach my client and did so in a</p> <p>12          Motion dating to February, March or April of this</p> <p>13          year in a Motion to the Merrimack County Superior</p> <p>14          Court which is what precipitated my efforts to</p> <p>15          have the Grand Jury testimony made completely</p> <p>16          public.</p> <p>17          There is no comparison between the</p> <p>18          arguments. If the Governor and the Council were</p> <p>19          to grant that Motion, then what I would say is</p> <p>20          fine, but put in the testimony elicited by the</p> <p>21          AG's Office from Major Feyrer. Put in my</p> <p>22          deposition of Major Feyrer. Put in my deposition</p> <p>23          of Chief Edwards. Put in all of those documents</p>	<p style="text-align: right;">552</p> <p>1           because that would at least balance the</p> <p>2           irregularity and unfairness which would occur if</p> <p>3           you put in only that document. I object to it.</p> <p>4           There's no sound basis for it.</p> <p>5           GOVERNOR LYNCH: And how do you respond</p> <p>6           to that solution, Attorney Rice?</p> <p>7           MR. MCLAUGHLIN: I'm not suggesting it is</p> <p>8           a solution, Your Honor.</p> <p>9           GOVERNOR LYNCH: Okay.</p> <p>10          MR. MCLAUGHLIN: I'm saying if this</p> <p>11          tribunal rules in a way that prejudices my client</p> <p>12          that way, the only thing I can do to balance that</p> <p>13          prejudice is to put in all this other stuff. But</p> <p>14          the reason we have a hearing is so that we cull</p> <p>15          and present what we think is most relevant at a</p> <p>16          particular point in time, and if we see something</p> <p>17          not going our way, in my universe you don't get</p> <p>18          back -- you don't go backwards and try to find a</p> <p>19          way to cover.</p> <p>20          GOVERNOR LYNCH: Do you have a response,</p> <p>21          Attorney Rice?</p> <p>22          MS. RICE: I do. I think that it was</p> <p>23          used to impeach Eddie Edwards when he was on the</p>

<p style="text-align: right;">553</p> <p>1 stand. It has been a matter of -- of -- in the</p> <p>2 discovery since day one that it was provided to</p> <p>3 Attorney McLaughlin. It is entirely the same as</p> <p>4 the Grand Jury testimony in that it was a prior</p> <p>5 statement by a witness that was being used to</p> <p>6 impeach, and in this case -- excuse me -- Chief</p> <p>7 Edwards testified.</p> <p>8 It was clear that he had changed his</p> <p>9 stance from what he had originally done, and I</p> <p>10 know that the Commission -- excuse me -- this</p> <p>11 group is not willing to have us go page by page</p> <p>12 with any kind of testimony to demonstrate that, so</p> <p>13 I think it's important for this tribunal to</p> <p>14 understand the witnesses. I don't believe that</p> <p>15 Major Feyrer was impeached by any of his</p> <p>16 deposition testimony or statement that I recall.</p> <p>17 Okay. So that's -- that's my response.</p> <p>18 GOVERNOR LYNCH: Attorney McLaughlin, let</p> <p>19 me ask you this question. Will the ruling on this</p> <p>20 request affect how you go forward with your next</p> <p>21 witness or will it not impact that?</p> <p>22 MR. MCLAUGHLIN: My next witness is</p> <p>23 Harvey Hill, Governor. It will not impact that.</p>	<p style="text-align: right;">554</p> <p>1 GOVERNOR LYNCH: Okay. My question is</p> <p>2 can we go forward now, and then give you a ruling</p> <p>3 later or do you need a ruling now?</p> <p>4 MR. MCLAUGHLIN: I don't need a ruling</p> <p>5 now, Governor.</p> <p>6 GOVERNOR LYNCH: Okay. So why don't you</p> <p>7 go forward, and we will give you a ruling by the</p> <p>8 end of the day.</p> <p>9 MR. MCLAUGHLIN: That's fine.</p> <p>10 GOVERNOR LYNCH: Is that okay?</p> <p>11 MR. MCLAUGHLIN: That's fine.</p> <p>12 GOVERNOR LYNCH: Okay. So why don't you</p> <p>13 go forward then.</p> <p>14 MR. MCLAUGHLIN: Thank you, Governor</p> <p>15 Lynch. Members of the Council, counsel, I'm going</p> <p>16 to call Harvey Hill.</p> <p>17 GOVERNOR LYNCH: Okay.</p> <p>18 MR. MCLAUGHLIN: Would you please stand,</p> <p>19 face me, sir. Please raise your right hand.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">555</p> <p>1 TESTIMONY OF HARVEY HILL,</p> <p>2 who was called as a witness and, having been first</p> <p>3 duly sworn, was examined and testified as follows:</p> <p>4 DIRECT EXAMINATION</p> <p>5 BY MR. MCLAUGHLIN:</p> <p>6 Q. Would you please be seated, and introduce yourself</p> <p>7 to the Governor and the Executive Council of the</p> <p>8 State of New Hampshire.</p> <p>9 A. My name is Harvey Hill, and I'm from Charlestown,</p> <p>10 New Hampshire.</p> <p>11 Q. Would you please adjust the mike so that you're</p> <p>12 speaking into it.</p> <p>13 A. Okay.</p> <p>14 Q. Mr. Hill, are you employed at the current time,</p> <p>15 sir?</p> <p>16 A. No, but I'd like to be. I am sort of semiretired.</p> <p>17 Q. Mr. Hill, do you have any current affiliations,</p> <p>18 members of a board?</p> <p>19 A. I do. I am a member of the -- um -- of the New</p> <p>20 Hampshire Community College System as a trustee</p> <p>21 there. I'm a director of the New Hampshire Higher</p> <p>22 Education Loan Corp., and I'm a member of the</p> <p>23 Ledyard Financial Advisory Board.</p>	<p style="text-align: right;">556</p> <p>1 Q. And you have given me a considerable list of</p> <p>2 credits with respect to your CV. Would it be fair</p> <p>3 to say that you have been actively civically</p> <p>4 engaged in the State of New Hampshire for many,</p> <p>5 many years?</p> <p>6 A. Yes, that's the key, many years I've been active</p> <p>7 at my age.</p> <p>8 Q. Was there ever a time where you served as an</p> <p>9 interim president of a New Hampshire institution?</p> <p>10 A. Yes, I served as the interim president of the</p> <p>11 Rivervale Community College from June, 2006 to</p> <p>12 July of 27 -- 2007, and I got about three weeks</p> <p>13 off, and I was back there again for three months.</p> <p>14 Q. Do you know who Representative Daniel Eaton is?</p> <p>15 A. I do.</p> <p>16 Q. Have you ever personally met him?</p> <p>17 A. No.</p> <p>18 Q. Have you ever had occasion to speak with him?</p> <p>19 A. I have.</p> <p>20 Q. On how many occasions?</p> <p>21 A. One.</p> <p>22 Q. Did you have an occasion in the 2007 time frame to</p> <p>23 be involved in a personnel action with an employee</p>

<p style="text-align: right;">557</p> <p>1 of the college system?</p> <p>2 A. I did.</p> <p>3 Q. And was it -- did it involve a termination?</p> <p>4 A. It involved a person being laid off, yes.</p> <p>5 Q. And when that person was laid off, was any contact</p> <p>6 made with Representative Eaton?</p> <p>7 A. Yes, I -- I terminated -- I laid this person off</p> <p>8 on July 2nd. Um -- we were going through a</p> <p>9 reorganization at the Keene Learning Center, and</p> <p>10 the person just didn't fit with who we needed for</p> <p>11 somebody with an academic background, and the</p> <p>12 following day I called Representative Eaton.</p> <p>13 Q. And why did you do that, sir?</p> <p>14 A. I did that because I wanted him to hear it from me</p> <p>15 and not have to hear it from the community.</p> <p>16 Q. Why did you want him to hear that from you?</p> <p>17 A. Well, I knew that he and the person that I had to</p> <p>18 lay off were close as a result of working with her</p> <p>19 for several months, and I just felt it was prudent</p> <p>20 to do that.</p> <p>21 Q. I would offer to you the following and certainly</p> <p>22 offer it subject to any challenge to my</p> <p>23 characterizations that the AG wishes to make. I</p>	<p style="text-align: right;">558</p> <p>1 would offer to you that either Monday or yesterday</p> <p>2 Representative Eaton testified before this</p> <p>3 tribunal. I would offer to you that he sat where</p> <p>4 you're sitting, and I think it would be a fair</p> <p>5 characterization of his testimony to say that it</p> <p>6 was dignified. It was restrained. I think it's a</p> <p>7 fair characterization to say that he was</p> <p>8 responsive to the State's questions, and he was</p> <p>9 responsive to my questions. I think those would</p> <p>10 be fair characterizations, and I think it would be</p> <p>11 fair to say that he was calm, and he was collected</p> <p>12 and apparently forthright.</p> <p>13 I would offer to you, also, that among the</p> <p>14 other things that he said when asked if statements</p> <p>15 attributed to him in the "Union Leader" were</p> <p>16 correct, he confirmed that they were. That is to</p> <p>17 say, that he said the tone and temper --</p> <p>18 correction. The tone and tenor of his discussions</p> <p>19 with Mark Bodi was very gentlemanly, businesslike</p> <p>20 and straightforward, not emotive in any way, and</p> <p>21 he resisted any characterization to the contrary.</p> <p>22 I think it's fair to say that when presented</p> <p>23 with the following he responded as follows, and he</p>
<p style="text-align: right;">559</p> <p>1 would agree with the following. Pressuring</p> <p>2 department heads is neither my style nor how I</p> <p>3 operate. I believe that's a fair characterization</p> <p>4 of what the man stated under oath. My question to</p> <p>5 you is would you please tell us what happened when</p> <p>6 you spoke to Representative Eaton.</p> <p>7 A. Yes. When I -- when I called him and informed him</p> <p>8 of our decision, he was absolutely livid. He said</p> <p>9 our system has been making stupid decisions for</p> <p>10 years, and this was probably one of the stupidest</p> <p>11 decisions of all. Um -- he ranted on about how</p> <p>12 hard this person worked and of what great value</p> <p>13 she was and what a great job she was doing. He</p> <p>14 then proceeded to say the real issue in Keene was</p> <p>15 our VP of academic affairs, and he went on and</p> <p>16 ranted about her for some length. In closing,</p> <p>17 before he hung up he said he would go on a</p> <p>18 vendetta against the New Hampshire College</p> <p>19 Community System and that he would get even.</p> <p>20 Q. Thank you.</p> <p>21 MR. MCLAUGHLIN: I have no further</p> <p>22 questions.</p> <p>23</p>	<p style="text-align: right;">560</p> <p>1 CROSS-EXAMINATION</p> <p>2 BY MS. CUSACK:</p> <p>3 Q. Good afternoon, Mr. Hill.</p> <p>4 A. Hi.</p> <p>5 Q. My name is Lynmarie Cusack, and I represent the</p> <p>6 Attorney General's Office in this matter. Would</p> <p>7 it be fair to say that you pursued the same course</p> <p>8 of action that you were taking when you laid this</p> <p>9 person off? She was eventually laid off, was she</p> <p>10 not?</p> <p>11 A. Yes. Well, she had the right to bump in the</p> <p>12 system, and there wasn't anything that she was</p> <p>13 qualified to bump into.</p> <p>14 Q. And, to the best of your knowledge, she appealed</p> <p>15 the decision to lay her off?</p> <p>16 A. Yes.</p> <p>17 Q. And the Attorney General's Office worked with her</p> <p>18 to -- or excuse me -- worked with the community</p> <p>19 system with you to pursue that appeal on your</p> <p>20 behalf, did they not?</p> <p>21 A. Yes.</p> <p>22 MS. CUSACK: Thank you. That's all I</p> <p>23 have.</p>

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<p>1 MR. MCLAUGHLIN: Nothing further, Your</p> <p>2 Honor.</p> <p>3 GOVERNOR LYNCH: Okay. Any members of</p> <p>4 the Executive Council have questions for</p> <p>5 Mr. Hill? Mr. Hill, I have one question. Was the</p> <p>6 word vendetta used --</p> <p>7 THE WITNESS: Yes.</p> <p>8 GOVERNOR LYNCH: -- or is it your</p> <p>9 characterization?</p> <p>10 THE WITNESS: No, the word vendetta was</p> <p>11 used, Governor.</p> <p>12 GOVERNOR LYNCH: Okay. Thank you.</p> <p>13 MR. MCLAUGHLIN: That would cause me to</p> <p>14 follow up briefly.</p> <p>15 GOVERNOR LYNCH: Okay.</p> <p>16 REDIRECT EXAMINATION</p> <p>17 BY MR. MCLAUGHLIN:</p> <p>18 Q. Mr. Hill, you recognize the importance of the</p> <p>19 accuracy of a response to that question. You're</p> <p>20 going back three years when you use the word</p> <p>21 vendetta. Can you tell us why you can be</p> <p>22 confident that the word vendetta was used?</p> <p>23 A. When I was on the phone with Representative Eaton</p>	<p>1 I had a white-lined pad on my desk, and I made</p> <p>2 notes on it, and I felt that the issue was so</p> <p>3 serious I was concerned about the Community</p> <p>4 College System and what he might be capable of</p> <p>5 doing that I immediately wrote a memo and put it</p> <p>6 in the file, and that is what I have in front of</p> <p>7 me.</p> <p>8 MR. MCLAUGHLIN: Thank you. If you give</p> <p>9 me just a moment, Governor.</p> <p>10 ( There is a brief pause.)</p> <p>11 MR. MCLAUGHLIN: May I approach,</p> <p>12 Governor?</p> <p>13 GOVERNOR LYNCH: Yes.</p> <p>14 MR. MCLAUGHLIN: Thank you.</p> <p>15 BY MR. MCLAUGHLIN:</p> <p>16 Q. Mr. Hill, on 9/17, last week, did you forward me</p> <p>17 by fax a copy of that memorandum?</p> <p>18 A. I did.</p> <p>19 Q. I'm going to show you the item, Mr. Hill. Is that</p> <p>20 the fax that you forwarded to me?</p> <p>21 A. It is.</p> <p>22 Q. And would you agree that the only change in this</p> <p>23 is that I have attempted to take pains to remove</p>
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<p>1 the names of the people who were involved?</p> <p>2 A. Correct.</p> <p>3 Q. Would you check it again to see if there's</p> <p>4 anything else there other than the redaction of</p> <p>5 those names.</p> <p>6 ( The witness reviews the document.)</p> <p>7 A. That looks fine.</p> <p>8 Q. So when you speak as you do, to confirm the</p> <p>9 memorandum of that date, "Before hanging up he</p> <p>10 said he would go on a vendetta against NHCTC</p> <p>11 System and that he would get even." Correct?</p> <p>12 A. Correct.</p> <p>13 MR. MCLAUGHLIN: Your Honor, I would</p> <p>14 offer this. I'm sorry, Your Honor. Your Honor,</p> <p>15 Governor Lynch, I would offer this.</p> <p>16 GOVERNOR LYNCH: Okay. Thank you.</p> <p>17 MS. CUSACK: Governor, I -- I would like</p> <p>18 to just point out that I don't believe that this</p> <p>19 statement is needed given Mr. Hill's testimony,</p> <p>20 but we would have no objection to it.</p> <p>21 MR. MCLAUGHLIN: If there's no objection,</p> <p>22 then I'll just offer it.</p> <p>23 GOVERNOR LYNCH: Okay. All right. Any</p>	<p>1 further questions for Mr. Hill? Thank you very</p> <p>2 much, Mr. Hill.</p> <p>3 ( The identification marking is stricken</p> <p>4 from Respondent's Exhibit HH, and the exhibit is</p> <p>5 received in evidence.)</p> <p>6 MR. MCLAUGHLIN: Governor Lynch, Mr. Bodi</p> <p>7 and I met this morning with a view towards</p> <p>8 preparing testimony this afternoon. Left to our</p> <p>9 own devices, I would have called my own client,</p> <p>10 and I would have begun at the beginning. Name,</p> <p>11 rank and serial number, history, et cetera. He</p> <p>12 has also mentioned that he has prepared a</p> <p>13 chronology of his involvement and so forth, a</p> <p>14 chronology of the events beginning December 14th,</p> <p>15 and I would have done that systematically. But,</p> <p>16 as a matter of fact, my client has testified.</p> <p>17 Moreover, I was attentive to speaking</p> <p>18 with him about remarks that you made yesterday,</p> <p>19 the essence of which was if you people can, in</p> <p>20 fairness to your pace, begin to move on. That's</p> <p>21 how I interpreted your remark, and I think it was</p> <p>22 completely fair. Nothing wrong with it. So I</p> <p>23 conferred with him this morning, and the bottom</p>

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<p>1 line is this. At this point he believes that from</p> <p>2 a fairness point of view he has had the</p> <p>3 opportunity in responding to not my questions but</p> <p>4 the AG's questions, so I am not going to call him</p> <p>5 from our perspective.</p> <p>6 Except for the fact that I owe the steno</p> <p>7 one exhibit, BB, we are going to close our case,</p> <p>8 and I understand that my client may be called now</p> <p>9 to answer any questions that the Council and</p> <p>10 Governor may have any.</p> <p>11 GOVERNOR LYNCH: Okay. Thank you,</p> <p>12 Attorney McLaughlin. So let me ask, Attorney</p> <p>13 Rice, do you have --</p> <p>14 MS. RICE: Could I just have a moment to</p> <p>15 consult with counsel?</p> <p>16 GOVERNOR LYNCH: Sure. Absolutely.</p> <p>17 (Attorney Rice consults with Attorney</p> <p>18 Cusack.)</p> <p>19 MS. RICE: We don't see any need to</p> <p>20 question the Commissioner.</p> <p>21 GOVERNOR LYNCH: Okay. Attorney Rice,</p> <p>22 thank you. At this point I'd like to ask the</p> <p>23 members of the Executive Council, do you have</p>	<p>1 questions for Mr. Bodi?</p> <p>2 COUNCILOR HOLLINGWORTH: I do, Governor,</p> <p>3 but unfortunately I thought that I was going to</p> <p>4 hear testimony, and we were going to end the day</p> <p>5 with his testimony. So I do have notes, but I --</p> <p>6 it would take me a minute to try to put my mind</p> <p>7 together to be ready to be prepared to ask</p> <p>8 questions. That's all. I regret that I didn't</p> <p>9 realize this was going to happen.</p> <p>10 GOVERNOR LYNCH: Okay. Does anybody else</p> <p>11 have any questions? Yes. You do, Councilor</p> <p>12 Pignatelli. Okay. Mr. Bodi, would you take the</p> <p>13 stand again.</p> <p>14 MR. MCLAUGHLIN: Governor, I'm mindful of</p> <p>15 Senator -- correction -- Councilor Hollingworth's</p> <p>16 remarks. May I just suggest or move to take a</p> <p>17 30-minute recess so that the Council can prepare</p> <p>18 whatever questions it may wish. I'm perfectly</p> <p>19 happy to do that. There's no urgency. We have</p> <p>20 more time than we thought we had.</p> <p>21 GOVERNOR LYNCH: Would that be enough</p> <p>22 time for you?</p> <p>23 COUNCILOR HOLLINGWORTH: I think so.</p>
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<p>1 GOVERNOR LYNCH: Okay. So we'll take a</p> <p>2 30-minute break, come back, and then just so --</p> <p>3 before we do take a break, my assumption then is</p> <p>4 we'll have the Executive Council Members ask</p> <p>5 questions which they have of Mr. Bodi, and then</p> <p>6 we'll do closing arguments tomorrow?</p> <p>7 MR. MCLAUGHLIN: This afternoon or</p> <p>8 tomorrow, as you may direct, Governor.</p> <p>9 MS. RICE: I was not prepared to do a</p> <p>10 closing. We expected, based on Attorney</p> <p>11 McLaughlin's representations last night, that we</p> <p>12 would be questioning Mr. Bodi.</p> <p>13 MR. MCLAUGHLIN: That's a fair</p> <p>14 representation.</p> <p>15 GOVERNOR LYNCH: Okay. So why don't we</p> <p>16 do this. We'll plan to -- and we still owe you a</p> <p>17 ruling on your earlier question. We'll take a</p> <p>18 30-minute break, and then the Executive Councilors</p> <p>19 will have an opportunity to question Mr. Bodi.</p> <p>20 We'll adjourn for the day, and we'll do closing</p> <p>21 remarks tomorrow.</p> <p>22 MS. RICE: Could I make one comment,</p> <p>23 though? When it was ruled that Mr. Hill would be</p>	<p>1 allowed to testify, we were also given the</p> <p>2 opportunity to see if -- if Dan Eaton wanted to</p> <p>3 offer rebuttal.</p> <p>4 GOVERNOR LYNCH: Right. Yeah.</p> <p>5 MS. RICE: I am confident that he would</p> <p>6 like to do that, and so I think it's important to</p> <p>7 offer that opportunity, and we would like to offer</p> <p>8 him that opportunity.</p> <p>9 MR. MCLAUGHLIN: I completely agree. The</p> <p>10 record should not be closed until Representative</p> <p>11 Eaton has a chance to come back. Absolutely.</p> <p>12 GOVERNOR LYNCH: Okay. I think that's</p> <p>13 fair as well.</p> <p>14 MS. RICE: He, as I understand it, is not</p> <p>15 back until tomorrow late afternoon.</p> <p>16 MR. MCLAUGHLIN: I don't think the time</p> <p>17 should govern fairness, and I agree fairness</p> <p>18 requires that he be given that opportunity.</p> <p>19 GOVERNOR LYNCH: But let me ask you this,</p> <p>20 Attorney Rice. Are you prepared to give closing</p> <p>21 remarks prior to Mr. Eaton coming back to testify</p> <p>22 in response to Mr. Hill's testimony?</p> <p>23 MS. RICE: That's an interesting</p>

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<p>1 question. I've never given a closing when my case</p> <p>2 hasn't been -- without the evidence all being in.</p> <p>3 I am prepared, although I think that there may be</p> <p>4 some other comments that would be necessary based</p> <p>5 on whatever Mr. -- Representative Eaton testifies</p> <p>6 to. I'll consult one minute. But I think that we</p> <p>7 could probably go forward.</p> <p>8 GOVERNOR LYNCH: Okay. So we're going to</p> <p>9 take a 30-minute break. We're going to give you a</p> <p>10 ruling as to the earlier question, and then we'll</p> <p>11 plan to do closing testimony tomorrow -- closing</p> <p>12 arguments tomorrow, and then if you want to bring</p> <p>13 Mr. Eaton back in for further questions, you can</p> <p>14 do that as well. Are you okay, Attorney</p> <p>15 McLaughlin, with that?</p> <p>16 MR. MCLAUGHLIN: Absolutely.</p> <p>17 GOVERNOR LYNCH: Okay. So we will</p> <p>18 reconvene at three o'clock.</p> <p>19 MS. RICE: Thank you.</p> <p>20 ( The proceedings were recessed at</p> <p>21 2:24 p.m.)</p> <p>22 ( The proceedings reconvene on the record</p> <p>23 at 3:00 p.m.)</p>	<p>1 GOVERNOR LYNCH: Why don't we begin</p> <p>2 again. Before I ask Mr. Bodi to take the stand</p> <p>3 and to be available to be questioned by the</p> <p>4 Executive Councilors, I think there has been a</p> <p>5 discussion and agreement as to how to treat</p> <p>6 Mr. Eaton's following statements. Either he'll be</p> <p>7 here himself in the morning or you can submit an</p> <p>8 affidavit or a proffer of his testimony.</p> <p>9 MR. MCLAUGHLIN: Agreed.</p> <p>10 GOVERNOR LYNCH: Is that an agreement?</p> <p>11 Okay.</p> <p>12 MS. RICE: He said he would prefer to be</p> <p>13 here, but he will send something in as a</p> <p>14 statement.</p> <p>15 GOVERNOR LYNCH: Okay. And, as you know,</p> <p>16 I'm going to sustain the objection as to the</p> <p>17 admissibility of Mr. Edwards' testimony to the AG's</p> <p>18 Office.</p> <p>19 MS. RICE: Thank you, Your Honor.</p> <p>20 MR. MCLAUGHLIN: Understood. Thank you,</p> <p>21 Governor.</p> <p>22 GOVERNOR LYNCH: Okay. So, again, just</p> <p>23 to go over the course of events going forward,</p>
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<p>1 we'll ask Mr. Bodi to take the stand, be available</p> <p>2 to answer questions by the Executive Councilors.</p> <p>3 We will then adjourn, and we will hear what</p> <p>4 Mr. Eaton has to say in the morning, and then</p> <p>5 we'll have closing arguments. Are you all okay</p> <p>6 with that?</p> <p>7 MR. MCLAUGHLIN: Nine o'clock, Governor?</p> <p>8 GOVERNOR LYNCH: Yes, nine o'clock.</p> <p>9 MR. MCLAUGHLIN: Shall I call Mr. Bodi to</p> <p>10 the stand, swear him, and have him be --</p> <p>11 GOVERNOR LYNCH: That would be great.</p> <p>12 Thank you very much, Attorney McLaughlin.</p> <p>13 COMMISSIONER BODI: Governor, with no</p> <p>14 objection, I -- if I could --</p> <p>15 GOVERNOR LYNCH: You look fine.</p> <p>16 MR. MCLAUGHLIN: Go up to the stand.</p> <p>17 Stand and face me. Raise your right hand, sir.</p> <p>18 TESTIMONY OF COMMISSIONER MARK BODI,</p> <p>19 who was called as a witness and, having been first</p> <p>20 duly sworn, was examined and testified as follows:</p> <p>21 EXAMINATION BY THE GOVERNOR AND EXECUTIVE COUNCIL</p> <p>22 GOVERNOR LYNCH: Okay. Councilor</p> <p>23 Hollingworth, do you want to begin?</p>	<p>1 COUNCILOR HOLLINGWORTH: No. Let someone</p> <p>2 else start, please.</p> <p>3 GOVERNOR LYNCH: Okay. Councilor</p> <p>4 Wieczorek.</p> <p>5 COUNCILOR WIECZOREK: Thank you. Good</p> <p>6 morning -- afternoon. Short night. Long day.</p> <p>7 COMMISSIONER BODI: Good afternoon.</p> <p>8 COUNCILOR WIECZOREK: Mark, one of the</p> <p>9 things -- I'm just going through my notes, so I</p> <p>10 might be hopping around a little bit with the</p> <p>11 various things I've heard and I've written down</p> <p>12 here. One of the statements that you made was</p> <p>13 early on you felt you were fighting a jihad. What</p> <p>14 do you mean by that?</p> <p>15 COMMISSIONER BODI: It was a term of art</p> <p>16 and -- to convey the intensity, Councilor, in</p> <p>17 which I believed Representative Eaton was mounting</p> <p>18 this significant effort to discredit Eddie Edwards</p> <p>19 and take revenge upon him and the Enforcement</p> <p>20 Division.</p> <p>21 COUNCILOR WIECZOREK: Okay. Also, we</p> <p>22 talked about -- you did -- about procedures to</p> <p>23 address these sorts of problems that injected</p>

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<p>1 themselves into the law enforcement process. Can 2 you explain a little bit about that, what you were 3 doing? You were going to be doing something to 4 correct situations such as this.</p> <p>5 COMMISSIONER BODI: Yes, Councilor. One 6 of the provisions in the Liquor Commission 7 Modernization Act which we alluded to in my 8 earlier testimony included a provision that 9 would -- we had two principal concerns when we 10 introduced that measure. One was regarding agency 11 licenses. We didn't want people contacting us and 12 putting pressure on us to issue agency store 13 licenses because we knew that there were a limited 14 amount.</p> <p>15 And, secondly, we believed that the 16 ethical guidelines with respect to the contacting 17 of Commissioners, but the overall ethical 18 guidelines were not clear regarding administrative 19 procedures. We first -- when we introduced the 20 bill, the provision would have precluded 21 legislators from contacting members of the 22 Commission.</p> <p>23 Through my discussion, and as I thought</p>	<p>1 about it, I didn't think that that was appropriate 2 because I felt appropriate and prudent contact 3 from legislators or members of the Council would 4 be appropriate. So we amended the provision to 5 state that nothing in that -- the proposal would 6 preclude a legislator or public official from 7 contacting a Commissioner.</p> <p>8 In this particular case, as we know 9 now -- excuse me -- the provision stated that it 10 would not preclude a public official from 11 contacting a member of the Liquor Commission if it 12 was their constituent. So -- and hindsight is 13 always 20/20, but in this particular case 14 Representative Eaton was not acting on behalf of a 15 constituent. He was acting on behalf of a 16 friend. The presence of the statute would have 17 been useful in, I think, preventing that incident.</p> <p>18 COUNCILOR WIECZOREK: What if a member of 19 the Council called? You know, we get calls from 20 people that are not necessarily in our Council 21 Districts. Would you be treating that the same 22 way?</p> <p>23 COMMISSIONER BODI: Only to the extent</p>
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<p>1 that the contact -- and I must acknowledge that we 2 didn't have a chance to have it further refined 3 any better because it was killed. That certainly 4 wasn't my intent. As a former legislator, I think 5 it was -- it's very important and appropriate to 6 allow members of the Executive Council to have a 7 free-flowing dialogue with a Commissioner. But 8 what we wanted to prevent was inappropriate 9 contact such as we've discussed. Influence.</p> <p>10 COUNCILOR WIECZOREK: There's a pretty 11 fine line there somewhere, I think, with some of 12 that. If somebody said to you well, I positively 13 want you to issue a license to so and so, that's 14 undue pressure, but if somebody was saying would 15 you consider, that would be a little softer 16 approach, I would think. Yes? No?</p> <p>17 COMMISSIONER BODI: Correct, Councilor, 18 but we were referring only to administrative 19 actions --</p> <p>20 COUNCILOR WIECZOREK: Um-hum.</p> <p>21 COMMISSIONER BODI: -- not the duties 22 associated with a license renewal, providing a 23 service that our hospitality industry needed.</p>	<p>1 Those represent the vast majority of calls, and 2 those are entirely appropriate. The calls that we 3 were referring to is an establishment that had a 4 pending administrative matter before that, so they 5 would have already been issued a citation, and 6 action would be in progress.</p> <p>7 COUNCILOR WIECZOREK: Well, you know, 8 this is what you wanted to do. What was the 9 standard operating procedure that was in place at 10 the time for a situation like this?</p> <p>11 COMMISSIONER BODI: May I ask you, 12 Councilor? I'm not sure if I'm totally clear on 13 your question. With respect to receiving a 14 telephone call?</p> <p>15 COUNCILOR WIECZOREK: Well, this 16 situation that you're involved in now with the 17 Representative, what is the standard operating 18 procedure? Since you had some things that you 19 wanted to do that would clarify the problem, what 20 is your standard operating procedure before you 21 got all those things changed to clarify the 22 problem? What is it currently? Because you 23 didn't have a change yet.</p>



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<p>1 COMMISSIONER BODI: And that was the 2 problem, Councilor. Precisely. There wasn't a 3 standard operating procedure. 4 COUNCILOR WIECZOREK: None? 5 COMMISSIONER BODI: Not a standard 6 operating procedure for a call from a very 7 influential legislator that was -- in my view, it 8 certainly wasn't -- it wasn't sufficient nor was 9 it adequate with respect to a highly influential 10 legislator calling for -- regarding a friend who 11 is not in his district. And I think the document 12 that we prepared outlines that we wanted clearer 13 guidelines. We were not attempting to close off 14 appropriate dialogue to support constituent 15 service. 16 COUNCILOR WIECZOREK: You know, what 17 would your typical response be to an incident like 18 this? Typically. Not this one, but another one 19 just like it, what would your typical response be? 20 COMMISSIONER BODI: My typical response 21 to the calls that I receive from -- and I receive 22 many from members of the Council and many from 23 other legislators, and they typically involve</p>	<p>1 business issues. I was very concerned about the 2 bureaucracy that existed in the Commission that 3 resulted in the delay of issuing licenses, that 4 resulted in the preventing of businesses to 5 operate more efficiently, effectively, especially 6 in a down economy. And I would receive routine, 7 regular phone calls. 8 For example, that would be public 9 official would call me and say we have a new 10 restaurant opening in my district, and they were 11 told that it requires an inspection before you can 12 open up. And the liquor inspector's inspection 13 was perfunctory because there was specific 14 requirements that were mandated. You needed to 15 get an occupancy permit. You needed to have the 16 local town ordinance approved and so forth and so 17 on, and so by the time the liquor inspector would 18 be there he would have a clipboard and check them 19 off. 20 We had many instances where our response 21 would be well, it's going to take three weeks. 22 It's going to take a month. And you have a 23 business that has invested hundreds of thousands</p>
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<p>1 of dollars, and I didn't feel that that was 2 appropriate. I would pick up the phone, and I 3 would call the Chief or the Deputy Chief, and I 4 would say that is not appropriate. You need to 5 move quicker. We need to move faster. Find out 6 why. Does that answer your question, Councilor? 7 COUNCILOR WIECZOREK: Well, not entirely, 8 but I'm going to go on. What should your role be 9 as the head of this department? 10 COMMISSIONER BODI: I believe -- 11 COUNCILOR WIECZOREK: There are two other 12 Commissioners and yourself, but you're in charge. 13 What should your role be? 14 COMMISSIONER BODI: I think statutorily I 15 have responsibility, as we outlined the other day, 16 to ensure proper controls, to find balance, to 17 protect the public yet at the same time ensure 18 that businesses are not unfairly treated, and I 19 think my responsibility is to -- is to weigh all 20 the facts at the time that an event transpires and 21 make the best possible decision I can make 22 irrespective of -- and I should have absolutely no 23 personal interest or political interest in it, and</p>	<p>1 I think that that's something that we can only 2 expect all of our Commissioners to do, to do the 3 best job they can within the confines and the 4 requirements of the law. I believe that I did 5 that. 6 COUNCILOR WIECZOREK: Well, then how 7 should you have handled a situation with an 8 elected official? We got all kinds. Senators, 9 Councilors, legislators, Reps. 10 COMMISSIONER BODI: Well, I have been 11 serving for over three years, and I think we've 12 handled them more efficiently and effectively than 13 they were ever done in the past. And so we were 14 responsive. We determined whether or not these 15 were areas that we could be involved in or not be 16 involved. There were cases where I would receive 17 a call -- I can give you an example now that comes 18 to me, Councilor, and it happens to be in your 19 district. 20 I received a call from an aldermen in 21 Manchester regarding -- regarding an enforcement 22 action, and I thought that that call was 23 inappropriate. It wasn't bad. It was just</p>

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<p>1 inappropriate. And I wasn't going to take action  2 based on what an aldermen was saying regarding the  3 licensee. I allowed the process to move forward,  4 and the call was -- it was just an inquiry call,  5 and I was courteous, but -- so I made every effort  6 to determine that the calls that we receive from  7 elected officials are dealt with in a responsible  8 way, very similarly to the way the State Police  9 does it.</p> <p>10 Colonel Barthelmes. He receives  11 complaints and calls all the time regarding  12 troopers. I bet you if you look at their log,  13 it's probably this long (indicating) , and he has  14 to make -- and the Colonel of State Police has to  15 make a reasonable judgment based on the facts as  16 they know them. What should they do? Should they  17 call for an investigation? Should they call --  18 contact the Attorney General's Office?</p> <p>19 COUNCILOR WIECZOREK: Would you consider  20 that particular situation you're talking about to  21 be unethical?</p> <p>22 COMMISSIONER BODI: What situation are  23 you referring to?</p>	<p>1 COUNCILOR WIECZOREK: What you're talking  2 about. You had an elected official from  3 Manchester call you.</p> <p>4 COMMISSIONER BODI: No.</p> <p>5 COUNCILOR WIECZOREK: No? Not unethical?</p> <p>6 COMMISSIONER BODI: Not at all. I think  7 that -- if I might, Councilor, I appreciated their  8 views. Their views were helpful in my gaining a  9 better understanding of the enforcement activities  10 in Manchester, but what I could not do was  11 interject myself directly into that particular  12 incident in a way that would have been  13 inappropriate.</p> <p>14 I was concerned about all of the  15 enforcement activities, particularly the tone and  16 tenor of them, and those calls were useful in my  17 determining where I thought there needed to be  18 greater intensity in the regulatory efforts and  19 reduced intensity.</p> <p>20 COUNCILOR WIECZOREK: You know, you had  21 stated that you did have an attorney in your  22 office, and the attorney was let go, but there  23 wasn't anybody to take the attorney's place,</p>
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<p>1 whoever it was. He. She. It doesn't matter.  2 Should you have let an attorney go without having  3 a replacement for the attorney since it appears as  4 though having an attorney in your department is  5 beneficial?</p> <p>6 COMMISSIONER BODI: Great question,  7 Councilor. As part of the Liquor Commission  8 Modernization Act I recommended that we have  9 senior legal counsel in charge of ethics,  10 compliance and an ombudsman. I personally  11 discussed this with the Attorney General,  12 personally prior to his appointment but during the  13 transition period. I met -- scheduled an  14 appointment, and I met with Mike Brown and  15 outlined what I thought was the very, very  16 critical need for us to have this individual, not  17 only because I thought so, but I had concurrent  18 discussions with Representative Mary Beth Waltz,  19 who on the Regulated Revenues Committee had talked  20 to me about some of the concerns that she had, how  21 we might bring further and appropriate balance to  22 it.</p> <p>23 And, in addition to that, on the business</p>	<p>1 side of our operations, we were moving very, very  2 quickly to scale up in an effort to assist the  3 Governor in the efforts of generating more revenue  4 quickly. That resulted in our reexamining all of  5 our leases, making pricing changes and rule  6 changes, so our legal needs increased  7 exponentially. So we felt that for those two  8 reasons we should have it, and we -- we requested  9 it. We fought hard for it. And it wasn't to be.</p> <p>10 COUNCILOR WIECZOREK: Okay. Now, one of  11 these statements that you made that we have in the  12 record here that was you wanted these charge --  13 particular charge to go away. What did you mean?  14 How do you make it go away if you don't acquiesce  15 to a request?</p> <p>16 COMMISSIONER BODI: That was Eddie  17 Edwards' terminology. That was not mine. When  18 Eddie Edwards --</p> <p>19 COUNCILOR WIECZOREK: That wasn't yours?</p> <p>20 COMMISSIONER BODI: No. He -- Eddie had  21 quoted me in saying that.</p> <p>22 COUNCILOR WIECZOREK: All right. I  23 thought you said that to him. Did you say that to</p>

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<p>1 him?</p> <p>2 COMMISSIONER BODI: He had mentioned</p> <p>3 that. He had stated that I had said that.</p> <p>4 COUNCILOR WIECZOREK: Yeah. But you are</p> <p>5 saying you didn't?</p> <p>6 COMMISSIONER BODI: No.</p> <p>7 COUNCILOR WIECZOREK: Okay.</p> <p>8 COMMISSIONER BODI: I'd be happy to tell</p> <p>9 you what I did say.</p> <p>10 COUNCILOR WIECZOREK: All right. You</p> <p>11 know, in your view, was there an ethics violation</p> <p>12 on the part of Representative Eaton?</p> <p>13 COMMISSIONER BODI: Yes.</p> <p>14 COUNCILOR WIECZOREK: What should you</p> <p>15 have done about it?</p> <p>16 COMMISSIONER BODI: I'm pausing because I</p> <p>17 want to give you the most thoughtful answer I most</p> <p>18 possibly could. I believed then, as I do now,</p> <p>19 that I made extraordinary efforts to bring to the</p> <p>20 attention of others in State Government the</p> <p>21 difficulties that Representative Eaton was</p> <p>22 causing. I did speak to Senator Margaret Hassan</p> <p>23 following one of our meetings on the study</p>	<p>1 committee, and I conveyed to her my very deep</p> <p>2 concerns that he was using the legislative process</p> <p>3 as a personal vendetta.</p> <p>4 She conveyed to me that she shared those</p> <p>5 concerns and that she was -- her intent was to</p> <p>6 bring that to the attention of the House</p> <p>7 leadership. And I think she was very sincere in</p> <p>8 that. I had also reached out to others regarding</p> <p>9 the efforts that Dan Eaton were making, but it --</p> <p>10 the very nature -- and I -- the very nature of</p> <p>11 political interference or corruption, if you will,</p> <p>12 in that the Attorney General's Office states well,</p> <p>13 you got to have a formal complaint and so forth</p> <p>14 and so on.</p> <p>15 It's very subtle. It's very subtle. And</p> <p>16 -- um -- it requires, I think, a trained eye and</p> <p>17 someone whose very, very skillful, and I think Dan</p> <p>18 Eaton is very skillful in working the legislative</p> <p>19 process to his own advantage to -- it's no doubt.</p> <p>20 It's clear. He achieved his objective. He</p> <p>21 succeeded in -- in enacting legislation that would</p> <p>22 bifurcate the Liquor Commission against -- with</p> <p>23 virtually no support. When I say virtually, there</p>
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<p>1 might have been a few legislators, so that was</p> <p>2 quite clear.</p> <p>3 And I had been -- I was very upset about</p> <p>4 it. My staff -- our senior staff, let alone the</p> <p>5 Enforcement Division, was enormously upset over it</p> <p>6 because we had to spend virtually the entire</p> <p>7 summer, a huge amount of our time, dedicated to</p> <p>8 fighting this battle that Senator Gallus and all</p> <p>9 of the members of the committee -- um -- they</p> <p>10 voted for the one -- also felt that it wasn't</p> <p>11 appropriate.</p> <p>12 The Governor had talked about looking for</p> <p>13 efficiencies in the consolidation, and I thought</p> <p>14 that that was appropriate. Our discussions with</p> <p>15 the Governor's Office was now is not the time to</p> <p>16 do that. We're in the middle of a financial</p> <p>17 crisis. Let's -- let's do that when we have an</p> <p>18 opportunity to do it with great clarity and to</p> <p>19 consider the consequences, not now by slipping in</p> <p>20 a secret amendment in the budget, and so it</p> <p>21 created enormous havoc. And I'm sorry if I ramble</p> <p>22 on a little.</p> <p>23 COUNCILOR WIECZOREK: Well, yeah, you</p>	<p>1 did, but you didn't answer my question. And my</p> <p>2 question was what is the protocol? What should</p> <p>3 you have done? I know you said you talked to</p> <p>4 Senator Hassan and somebody else. But what should</p> <p>5 you have done? If you were back at work, and that</p> <p>6 situation occurred again similar, what would you</p> <p>7 do?</p> <p>8 COMMISSIONER BODI: That's a good</p> <p>9 question. What I should have done is I should</p> <p>10 have marched over to the Attorney General's</p> <p>11 Office, and I should have slammed my hand down on</p> <p>12 the table, and I should have said you damn well</p> <p>13 should do something about this.</p> <p>14 COUNCILOR WIECZOREK: All right. But you</p> <p>15 didn't do that.</p> <p>16 COMMISSIONER BODI: I did not do that. I</p> <p>17 was under the impression at that time they were</p> <p>18 aware of it, but I make no mis -- no excuses for</p> <p>19 what I did, Councilor. I did what I did. I take</p> <p>20 responsibility for that.</p> <p>21 COUNCILOR WIECZOREK: So if we had</p> <p>22 followed the proper, at least -- I don't know if</p> <p>23 that's the right protocol, but it seems as though</p>

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<p>1 it would be the right call if you don't know what</p> <p>2 to do, you go to the place that's going to help</p> <p>3 you legally. You didn't do that. That's -- I</p> <p>4 think that's why we got all these problems here</p> <p>5 today.</p> <p>6 COMMISSIONER BODI: Councilor, if I might</p> <p>7 respond to that. There is significant evidence,</p> <p>8 not the least of which is comments that were made</p> <p>9 at this hearing, but also other activities where</p> <p>10 we have reached out to the Attorney General's</p> <p>11 Office, and their level of responsiveness was not</p> <p>12 complete. I specifically called Mike Brown for a</p> <p>13 meeting in our office to review why the Attorney</p> <p>14 General's Office was not being responsive to our</p> <p>15 needs during this period of transition; that we</p> <p>16 had very significant legal needs.</p> <p>17 Now, I understand they have their</p> <p>18 problems, too. They certainly do. But, rightly</p> <p>19 or wrongly, Eddie Edwards told me that he</p> <p>20 contacted the Attorney General's Office. I</p> <p>21 believed at that time their help was solicited. I</p> <p>22 had no reason to certainly doubt him. He's a</p> <p>23 trained police officer. He's in charge of that</p>	<p>1 Enforcement Division. So I certainly didn't think</p> <p>2 I was abdicating my responsibility to seek the</p> <p>3 assistance of the Attorney General's Office when</p> <p>4 he conveyed to me that they had done so. He had</p> <p>5 also conveyed the fact that the Keene Police were</p> <p>6 there.</p> <p>7 So I understand your point, and, again, I</p> <p>8 humbly accept responsibility for not trying to do</p> <p>9 more. But, again, under the circumstances I</p> <p>10 thought I did the best I could.</p> <p>11 COUNCILOR WIECZOREK: All right. Now,</p> <p>12 let's say they were not responsive. What then</p> <p>13 would be the next thing to do? Who do you go to</p> <p>14 if the Attorney General's Office is not responsive</p> <p>15 to something you want? Where do you go?</p> <p>16 COMMISSIONER BODI: Well, if -- had I had</p> <p>17 the position that we asked for in the -- in the</p> <p>18 Liquor Commission, I would have turned the matter</p> <p>19 over to our attorney, senior legal counsel in</p> <p>20 charge of ethics and ombudsman. I would have</p> <p>21 given it to him, and I would have said you are</p> <p>22 responsible for executing this. You call and do</p> <p>23 whatever you need to do to get the help you need.</p>
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<p>1 That would have been my instructions. And so</p> <p>2 that's what I would have done.</p> <p>3 COUNCILOR WIECZOREK: But you didn't have</p> <p>4 one.</p> <p>5 COMMISSIONER BODI: I did not have one.</p> <p>6 COUNCILOR WIECZOREK: Okay. So then what</p> <p>7 would you -- what's the next step? Where do you</p> <p>8 go if you don't get a response from them?</p> <p>9 COMMISSIONER BODI: Well, I think the --</p> <p>10 I think the answer to that is the reflection of</p> <p>11 the proceedings today. It creates -- it creates a</p> <p>12 significant problem. And that's why this should</p> <p>13 be a level of responsiveness. That's why there</p> <p>14 should be -- I think there should be clearer lines</p> <p>15 of communication, clearer ethical guidelines on</p> <p>16 what to do in the event that happens.</p> <p>17 COUNCILOR WIECZOREK: But, see, you ran</p> <p>18 out. You ran out of options. Does the Governor's</p> <p>19 office have any clout? Any responsibility? Have</p> <p>20 you received help? If you said look, they don't</p> <p>21 want to do anything for me over at the AG's</p> <p>22 Office. Is he in charge?</p> <p>23 COMMISSIONER BODI: I -- I don't want to</p>	<p>1 pass the buck to the Governor for a decision that</p> <p>2 I made.</p> <p>3 COUNCILOR WIECZOREK: Well, you didn't</p> <p>4 contact him, I don't think.</p> <p>5 COMMISSIONER BODI: No, but his office</p> <p>6 was aware of the problems that existed with Dan</p> <p>7 Eaton, and, as I said, as were many others. So</p> <p>8 certainly the sole responsibility, Councilor,</p> <p>9 is -- doesn't rest with one Commissioner in one</p> <p>10 department in areas and affairs that largely deal</p> <p>11 with law enforcement, in my view.</p> <p>12 COUNCILOR WIECZOREK: Okay. I don't have</p> <p>13 any further questions.</p> <p>14 GOVERNOR LYNCH: Okay. Thank you.</p> <p>15 Councilor Hollingworth, are you ready?</p> <p>16 COUNCILOR HOLLINGWORTH: I'd like to</p> <p>17 continue just a little bit on what Ray had said.</p> <p>18 GOVERNOR LYNCH: Okay. I just want to</p> <p>19 make sure your mike is on.</p> <p>20 COUNCILOR WIECZOREK: Mine was.</p> <p>21 GOVERNOR LYNCH: I don't think it was. I</p> <p>22 don't know if people can hear you.</p> <p>23 COUNCILOR HOLLINGWORTH: Are you all set,</p>

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<p>1 Commissioner Bodi?</p> <p>2 COMMISSIONER BODI: Yes, I am Councilor.</p> <p>3 COUNCILOR HOLLINGWORTH: Ray -- Councilor</p> <p>4 Wieczorek asked you a line of questions, and I was</p> <p>5 just looking at the transcript here from the first</p> <p>6 day, and you felt that the AG's Office didn't</p> <p>7 render assistance, and you quite strongly said</p> <p>8 that they should have helped, and yet isn't it</p> <p>9 true -- the testimony that we heard the other day</p> <p>10 was Chief Edwards didn't make the call. He had</p> <p>11 somebody else make the call, and the call that he</p> <p>12 made wasn't for assistance to help you because it</p> <p>13 wasn't made until the second day, and it was at</p> <p>14 the request to say we would like somebody to come</p> <p>15 with us to the Railroad Tavern. We're going to</p> <p>16 have to serve another search warrant, and it</p> <p>17 wasn't specifically to say look, we've got a</p> <p>18 problem with -- we think we're being put undue</p> <p>19 pressure.</p> <p>20 And wouldn't that have been your role to</p> <p>21 have picked up the phone and called the Attorney</p> <p>22 General's Office to say look, I'm -- I see this as</p> <p>23 a serious problem. A serious problem. I'm very</p>	<p>1 upset over it. I need to speak to somebody about</p> <p>2 this concern. You didn't feel that that was a</p> <p>3 responsibility that you should take on?</p> <p>4 COMMISSIONER BODI: It certainly would</p> <p>5 have been my responsibility had I been aware of</p> <p>6 the facts, the whole facts regarding the nature of</p> <p>7 the call and what was said. I was -- I wasn't --</p> <p>8 you know, I -- as I said, Chief Edwards is a</p> <p>9 trained police officer, graduate of the Police</p> <p>10 Academy as well as the FBI. His instructions,</p> <p>11 what he conveyed to me, was he called the chief</p> <p>12 law enforcement officer. He called the Justice</p> <p>13 Department, and they didn't respond. That's what</p> <p>14 he was saying to me, and I didn't think at that</p> <p>15 moment, Councilor, that I was going to question</p> <p>16 him saying well, you're lying, Chief. That's not</p> <p>17 true. He believed that he had called them, and</p> <p>18 they didn't help.</p> <p>19 COUNCILOR HOLLINGWORTH: You mentioned</p> <p>20 that there was no attorney at the Commissioner --</p> <p>21 Liquor Commission. Is that not -- is that the</p> <p>22 case or was there an assigned attorney at the</p> <p>23 Department of Justice? Because what we have done</p>
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<p>1 over the years at the recommendation of the</p> <p>2 Justice Department is to assign -- instead of</p> <p>3 having in-house, each agency have their own</p> <p>4 attorney, because if there's a problem it</p> <p>5 ultimately comes down to the Attorney General's</p> <p>6 Office having to defend that agency, that their --</p> <p>7 that the agency has your attorney in-house at the</p> <p>8 Attorney General's Office, so am I -- was there</p> <p>9 really no attorney that was assigned to the Liquor</p> <p>10 Commission at all, even one that was at the AG's</p> <p>11 Office?</p> <p>12 COMMISSIONER BODI: We were in a period</p> <p>13 of transition with -- as was the Attorney</p> <p>14 General's Office. We had an attorney assigned to</p> <p>15 our office. Commissioner Russell had expressed</p> <p>16 significant concerns with respect to the</p> <p>17 performance of that attorney, as I believe it was</p> <p>18 testified to. Bud Fitch conferred with her and I</p> <p>19 regarding the possible remedies to improve that.</p> <p>20 It resulted in the transfer of that attorney to --</p> <p>21 um -- being physically housed in our offices to be</p> <p>22 moved to the Justice Department so he could be</p> <p>23 more adequately supervised.</p>	<p>1 It was subsequently determined that that</p> <p>2 particular individual did not have the requisite</p> <p>3 skill sets to represent our agency as Commissioner</p> <p>4 Russell and myself had discovered. We continued</p> <p>5 to utilize Attorney Suzan Lehmann, a fine</p> <p>6 attorney. She, however, was a part-time attorney,</p> <p>7 and I do not recall the date of transition when</p> <p>8 Mike Delaney was appointed. He reorganized the</p> <p>9 Justice Department, as he certainly is entitled to</p> <p>10 do, and he moved Suzan Lehmann to a different</p> <p>11 area. And we were assigned a new attorney, but we</p> <p>12 had one meeting with that attorney.</p> <p>13 And I -- I can't recall whether it was --</p> <p>14 if it was before or after this, but -- so there</p> <p>15 wasn't continuity in our dialogue. We hadn't</p> <p>16 established that fully, certainly not for any</p> <p>17 enforcement activities whatsoever. We hadn't had</p> <p>18 any administrative hearings. We hadn't had -- to</p> <p>19 my knowledge, I don't think there was any</p> <p>20 enforcement issues from which -- significant ones</p> <p>21 that we had contacted the Attorney General's</p> <p>22 Office prior to this.</p> <p>23 COUNCILOR HOLLINGWORTH: You mentioned</p>

<p style="text-align: right;">597</p> <p>1 several times that the Governor's Office knew the  2 problems you were having with Mr. Eaton. And how  3 did they know that? And -- you know, I'm -- I  4 just -- you mentioned that that's why you didn't  5 call the Governor's Office because they knew that  6 you were having problems. How did they know?  7 COMMISSIONER BODI: The Governor's Office  8 had a staff member that was specifically assigned  9 to assist us through the study committee hearings,  10 and, you know, Enforcement -- what has been lost  11 in all of this discussion is that the charge of  12 that study committee was really two things. One,  13 to review the potential reorganization of the  14 Liquor Commission, and I think that was the  15 Governor's principal interest, and I don't want to  16 speak for him, but it certainly was mine, and to  17 what extent could we revise the Commission's  18 operating structure to make it a more efficient  19 business.  20 The other element, and the element that  21 Dan Eaton was successful in inserting in the  22 budget was the bifurcation of the moving it to the  23 Department of Safety, and it was only through the</p>	<p style="text-align: right;">598</p> <p>1 efforts of Senator D'Allesandro as well as Senator  2 Maggie Hassan during the Budget Committee  3 hearings.  4 And I think I mentioned this in my  5 testimony. Um -- Senator Hassan called us to the  6 third floor of this building, myself and several  7 of our -- our key personnel, and she said, "Dan  8 Edwards [sic] has a real" -- "Representative Eaton  9 has a real" -- "I don't know what it is," she  10 said, "but he has a real problem with Eddie  11 Edwards." And she said, "He's not going to budge  12 on this issue, and" -- about moving -- moving the  13 department to the Safety. And I said, "Senator,  14 that's just unacceptable. We can't be doing that  15 now." It has such significant ramifications in  16 terms of our operating the business. It would  17 have made it much more difficult to get licenses.  18 We would have had to add more people.  19 But to get to your point, a compromise  20 was struck that created the study committee, and  21 if it added any additional costs, it would not be  22 permitted, and if the committee didn't think it  23 was a good idea, it would not be permitted. And</p>
<p style="text-align: right;">599</p> <p>1 Kristen Van Austin (phonetic) , again, highly  2 capable individual -- um -- was present at all  3 these meetings. We commiserated with her during  4 those meetings and after these meetings, and I  5 think the general feeling, as I conveyed, the  6 general feeling was unfortunately that this study  7 committee was not focusing on what was important  8 to the State and the efficiency and reorganization  9 but working to -- all the discussion was talking  10 about how Enforcement should be separated and why  11 and how.  12 So, again, I -- I felt that the --  13 certainly that the -- and we had several meetings  14 at the Governor's Office, and I don't want to  15 fault the Governor's Office. I'm not blaming  16 others. It's a difficult situation. The Governor  17 has probably a lot more important things to do  18 than worry about my testifying before you here  19 today. But I believe earnestly and honestly that,  20 again, political pressure and influence is very,  21 very subtle. And I'm not sure if the Governor  22 knew what could have been done unless he picked up  23 the phone and called the Attorney General.</p>	<p style="text-align: right;">600</p> <p>1 COUNCILOR HOLLINGWORTH: But you were  2 feeling panicked. Is that -- that was your own  3 words, I think. I don't know whether the scared  4 whatever, which I prefer not to say.  5 COUNCILOR WIECZOREK: You can.  6 COUNCILOR HOLLINGWORTH: Well, that was a  7 different -- different than what was going on in  8 the legislative process as far as the issue with  9 Representative Eaton, wasn't it?  10 COMMISSIONER BODI: I'm sorry,  11 Councilor. I didn't understand the question.  12 COUNCILOR HOLLINGWORTH: The difference  13 that -- when you were in panic because of the  14 involvement of Eaton and the Railroad Tavern  15 incident, that was separate and apart from what  16 the Governor would have had knowledge of or his  17 people in the office because what you were -- they  18 were involved in what was happening in the  19 legislative process as far as the -- you -- what  20 you stated as far as the -- the reorganization of  21 the Liquor Commission and moving it to the State  22 Police.  23 COMMISSIONER BODI: That is correct.</p>

<p style="text-align: right;">601</p> <p>1 COUNCILOR HOLLINGWORTH: So -- so then  2 why would you not have notified the Governor's  3 Office that there was a different set of scenarios  4 that were going on, and you were very disturbed by  5 it? I mean it is a small state. I -- you know,  6 most of the Commissioners come to the Governor, I  7 think, when they have a situation that they feel  8 is out of control, and that's what you said this  9 situation was. You felt that it was out of  10 control.  11 COMMISSIONER BODI: Well, I'm not so sure  12 that I wouldn't have gone to the Governor after  13 these events had transpired. My attempt was to  14 defuse the situation as I saw it existing at that  15 moment. Loosen Representative Eaton's grasping  16 hand. I had several concerns that I was worried  17 about. On one hand, I had a legislator who was  18 calling me and exerting enormous pressure on me  19 with respect to this licensee. On the other hand,  20 I had the concerns regarding the licensee itself,  21 and was there at all any legitimacy to that. I  22 had an obligation to consider that in my decision-  23 making process.</p>	<p style="text-align: right;">602</p> <p>1 I had concerns with the timing, with the  2 strange what seemed like very coincidental timing  3 regarding that. So, in considering all those  4 facts, I made a decision that I thought would  5 preserve the options of the State. I reasoned  6 that the equipment, not the evidence, had no  7 evidentiary value.  8 COUNCILOR HOLLINGWORTH: Okay. I -- that  9 wasn't my line of questioning. But let's -- I  10 want to change a little bit. You stated that you  11 didn't involve Commissioner Simard because he had  12 no interest and that he had no enforcement  13 background. In hindsight, don't you think that  14 you could have turned to him and said I've got  15 this situation. I think it's a big problem. And  16 I want to ask you. What was the big problem?  17 COMMISSIONER BODI: I believed  18 Commissioner Simard has a number of enormous  19 talents, but he did not have the capacity. At  20 that time he wasn't focused on enforcement issues,  21 didn't understand. We were operating at great and  22 fast speed. I felt at that moment I had to make a  23 decision that night or certainly shortly</p>
<p style="text-align: right;">603</p> <p>1 thereafter, and I did -- that's how I felt.  2 So I don't want to diminish or minimize  3 his potential to have made -- made -- rendered  4 some assistance had I spent time and sit down and  5 go over all these things. I felt at that moment  6 Representative Eaton was putting on enormous  7 pressure. The licensee was -- had great fear that  8 they were going to go out of business, and I had  9 to find some middle ground that would accommodate  10 the urgency of the situation immediately.  11 I felt the big problem, Councilor, was  12 that Representative Eaton had circled back, if you  13 will, and he specifically said to me, "This is  14 personal. This is payback. Eddie Edwards is  15 doing this." And I under -- when I said big  16 problem, big problem because our agency would once  17 again be diverted from its principal mission of  18 trying to -- you know, greater efficiency and  19 appropriate law enforcement agency and have to  20 deal with these political issues, and I felt Dan  21 Eaton would do a number of things, not the least  22 of which was raise additional concerns among  23 legislators and propagate rumors that were not --</p>	<p style="text-align: right;">604</p> <p>1 that were simply not true regarding what the  2 Enforcement Division was.  3 COUNCILOR HOLLINGWORTH: Did you at all  4 think that there might be any truth to any of the  5 things that Eaton was saying? Were you told by --  6 COMMISSIONER BODI: I was more moved by  7 the licensee. The licensee was nearly crying. He  8 had said to me that it was the holiday season.  9 "My wife and I can't sleep. We're being  10 targeted." Um -- he -- you know, I only met the  11 man once afterwards, but he was very compelling.  12 I had a sense of saying -- he was saying that if  13 that camera equipment comes out, they're going to  14 target me. I'm going to lose my license. They're  15 going to -- you know, they're going to ruin me.  16 So I felt -- yes, I felt I had a duty to consider  17 that.  18 COUNCILOR HOLLINGWORTH: Wouldn't --  19 Commissioner, wouldn't it have been a position  20 where you would say to the Deputy Edwards, look,  21 they're upset. They're -- I'm trying to cool  22 things down here. I'm going in -- when you have  23 all the evidence off the equipment, when that --</p>

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<p>1 let me know, and I will make sure that they know.</p> <p>2 Shouldn't you have spoken to him to find out and</p> <p>3 have him convey to you, rather than you direct him</p> <p>4 to take the action? Isn't that the line that you</p> <p>5 would normally travel? Isn't that the policy that</p> <p>6 you expressed that usually happens?</p> <p>7 COMMISSIONER BODI: I -- I think that in</p> <p>8 retrospect, Councilor, I might have done something</p> <p>9 different. I might have done something</p> <p>10 different. I admit that. I certainly don't think</p> <p>11 that my efforts, as I had mentioned to you, are</p> <p>12 the administrative equivalent of capital</p> <p>13 punishment. I fully believe -- fully believe that</p> <p>14 there were mistakes made in many areas, and I take</p> <p>15 responsibility for that, and I am disappointed</p> <p>16 that I personally couldn't have done a better job,</p> <p>17 and this has resulted in the difficulty we are</p> <p>18 facing today.</p> <p>19 COUNCILOR HOLLINGWORTH: Okay.</p> <p>20 GOVERNOR LYNCH: Councilor Pignatelli.</p> <p>21 COUNCILOR PIGNATELLI: Thank you. Good</p> <p>22 afternoon.</p> <p>23 COMMISSIONER BODI: Good afternoon.</p>	<p>1 COUNCILOR PIGNATELLI: Continuing with</p> <p>2 what Councilor Hollingworth asked you at the very</p> <p>3 end of her questions, I have the benefit of the</p> <p>4 transcript for the first day, and I've just reread</p> <p>5 your entire testimony. And I'd like to ask you a</p> <p>6 couple of questions about your assumptions and</p> <p>7 possible willingness to return evidence in an</p> <p>8 investigation based on political pressure.</p> <p>9 When you ordered the return of the</p> <p>10 Railroad Tavern equipment, you knew that there</p> <p>11 were problems downloading the evidence during the</p> <p>12 first search warrant, didn't you?</p> <p>13 COMMISSIONER BODI: Yes.</p> <p>14 COUNCILOR PIGNATELLI: So, knowing that</p> <p>15 there were problems downloading that evidence, why</p> <p>16 did you logically assume -- and those are your</p> <p>17 words, logically assume -- that the evidence had</p> <p>18 been downloaded when you ordered the return of the</p> <p>19 equipment?</p> <p>20 COMMISSIONER BODI: It was conveyed to</p> <p>21 me, Councilor, that the reason why there was</p> <p>22 difficulty downloading the evidence was because</p> <p>23 the bar owner was offering resistance to it and</p>
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<p>1 had downloaded the evidence in a manner that he</p> <p>2 deliberately would not provide a full and complete</p> <p>3 accounting for what was required in the search</p> <p>4 warrant.</p> <p>5 So that's what they had said to me</p> <p>6 because when I had said to Eddie Edwards that, and</p> <p>7 Representative Eaton and the bar owner saying that</p> <p>8 you went storming back, what did they go back</p> <p>9 for? And he said, "Well, we went in there," and</p> <p>10 he explained that they had allowed -- I think, as</p> <p>11 some of the documents mentioned, that they allowed</p> <p>12 the bar owner as an accommodation to him, and I</p> <p>13 think it had a lot to do with Eddie Edwards'</p> <p>14 presence -- excuse me -- Representative Eaton's</p> <p>15 presence. They allowed the bar owner to work with</p> <p>16 the -- work with the equipment and to download</p> <p>17 that material.</p> <p>18 So the Enforcement Division conveyed it</p> <p>19 to me as a nefarious action on the bar owner's</p> <p>20 part and that they would be returning back -- that</p> <p>21 they had returned back to get all the equipment --</p> <p>22 that they had to go back and get everything in</p> <p>23 order to download the equip -- evidence.</p>	<p>1 COUNCILOR PIGNATELLI: Right. I</p> <p>2 understand that, but after they had the equipment</p> <p>3 and they were in the process of downloading or</p> <p>4 maybe not, you ordered the return of the equipment</p> <p>5 before you knew whether the evidence was</p> <p>6 downloaded from it. And I want to know why you</p> <p>7 did that.</p> <p>8 COMMISSIONER BODI: Councilor, I did not</p> <p>9 order the return of the equipment prior to</p> <p>10 completion of the downloading evidence. What I</p> <p>11 said to Chief Edwards was I had asked Chief</p> <p>12 Edwards -- I had conveyed to him that -- the</p> <p>13 substance of and detail of Representative Eaton's</p> <p>14 assertions. I told him about the bar owner, and I</p> <p>15 said, "The bar owner is absolutely frantic that</p> <p>16 you've taken all the equipment." My -- I -- and I</p> <p>17 was expressing well, what do you need all the</p> <p>18 cameras for? That is when the Chief said to me</p> <p>19 that -- I said -- I said -- so I said, "Return the</p> <p>20 equipment." He says, "I can't do that." And I</p> <p>21 said, "Why?" He said, "Because it's evidence." I</p> <p>22 said, "Well, keep the evidence and return the</p> <p>23 expletive equipment."</p>



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<p>1 My full and complete intent was to have 2 the equipment returned so the bar owner could 3 continue to surveil his establishment. That would 4 provide me with some of the things that Councilor 5 Wieczorek had talked about, an opportunity to get 6 these combatants in separate corners so I could 7 deal with this in a more rational environment. 8 That was my intent. Obviously it was -- it might 9 not have been very well-executed, but that was my 10 intent.</p> <p>11 COUNCILOR PIGNATELLI: That might have 12 been your intent, but that was not what I heard, 13 and that was not what Eddie Edwards testified to. 14 He said that you demanded that the equipment be 15 returned, and you did not ask have you downloaded 16 the evidence from the equipment before you 17 returned the equipment.</p> <p>18 COMMISSIONER BODI: My response to that 19 is this, Councilor. There is always ambiguity in 20 human interaction. People view things 21 differently. Eddie Edwards was infuriated at Dan 22 Eaton, and he was focused on one thing. He was 23 going to make sure that the -- there was a</p>	<p>1 legitimate infraction at that establishment, and 2 he's going to get whatever he needed, and it 3 didn't matter whether they were taking the 4 equipment or not.</p> <p>5 I was considering other matters that are 6 of interest to the State. I testified before the 7 Grand Jury my recollection of the events, but more 8 important, Councilor, I would like to say this. 9 What motivation would I have to have evidence 10 returned? I could have -- if I wanted to appease 11 Representative Eaton, all I needed to say to him 12 was don't worry. I'll take care of this. At each 13 and every step along the way I informed Eddie 14 Edwards what was going on, what the ramifications 15 of it were, how I felt it was best to handle it.</p> <p>16 Now, we didn't -- we didn't agree on all 17 of them, but that's what I attempted to do. And, 18 as I said, my testimony before the Grand Jury 19 outlines, and I have -- I waver in no way 20 indicating that I had no intent to return evidence 21 and to circumvent the law. I had nothing to gain 22 by doing that.</p> <p>23 COUNCILOR PIGNATELLI: Then why didn't</p>
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<p>1 you ask Chief Edwards if they had gotten all of 2 the evidence before you ordered the return of the 3 equipment? Let me just --</p> <p>4 COMMISSIONER BODI: Sure.</p> <p>5 COUNCILOR PIGNATELLI: -- read part of 6 what you said to your -- during the opening. 7 "They wanted the equipment back, and I logically 8 assumed the equipment was the cameras and such, 9 not the tapes and CDs and certainly not anything 10 that would be considered evidence."</p> <p>11 So you assumed this, but I haven't heard 12 you say to Chief Edwards do you have the evidence 13 that you need for this investigation. When Chief 14 Edwards testified he was under a lot of pressure 15 to get that equipment back because you had ordered 16 it returned.</p> <p>17 COMMISSIONER BODI: Councilor, I don't -- 18 I certainly don't want to appear as though I am 19 dodging or ducking my responsibility with respect 20 to that moment. I will say this. I assumed that 21 Chief Edwards -- he's a sworn police officer -- 22 understood the thrust of my directive, which was 23 to return the equipment, and be sure you retain</p>	<p>1 the evidence. Now, that is in fact what he did, 2 and he also ordered his subordinate to do that, 3 too.</p> <p>4 You are correct that perhaps in a 5 verbatim sense I might not have done that, but my 6 intent without a doubt -- and I assumed that he 7 would understand that. He was responsible for all 8 these details in every single way. Return the 9 equipment. Retain the evidence. Those are my 10 instructions.</p> <p>11 COUNCILOR PIGNATELLI: All right. Thank 12 you.</p> <p>13 COMMISSIONER BODI: Thank you.</p> <p>14 COUNCILOR PIGNATELLI: You're welcome.</p> <p>15 COUNCILOR BURTON: Further questions?</p> <p>16 GOVERNOR LYNCH: Yes.</p> <p>17 COUNCILOR BURTON: Mark Bodi, you took 18 the oath of office to this Government on May 10th, 19 2007 --</p> <p>20 COMMISSIONER BODI: Correct.</p> <p>21 COUNCILOR BURTON: -- to faithfully and 22 impartially discharge the duties as a Liquor 23 Commissioner of the State of New Hampshire.</p>

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<p>1 COMMISSIONER BODI: Right. Yes.</p> <p>2 COUNCILOR BURTON: Yes. Representative</p> <p>3 government works because those of us in this</p> <p>4 business that take the same oath of office get a</p> <p>5 wide variety of requests from individuals,</p> <p>6 organizations, towns, cities, counties, and we</p> <p>7 follow it along to an appropriate point within the</p> <p>8 executive branch of State Government. It's been</p> <p>9 my practice over the years to always realize that</p> <p>10 I hear only one side of the story, and I always</p> <p>11 add, as I did with you, and I would follow things,</p> <p>12 either E-mail or other methods of communication,</p> <p>13 please respond if appropriate.</p> <p>14 What criteria during your tenure so far,</p> <p>15 prior to being put on administrative leave, what</p> <p>16 criteria would you use when requests would come in</p> <p>17 and instances arrive that you had to ask such as</p> <p>18 arrived from the City of Keene?</p> <p>19 COMMISSIONER BODI: Councilor, just so</p> <p>20 that I can answer it thoroughly, your question was</p> <p>21 what other incidents have occurred that are</p> <p>22 similar to Keene that I've experienced?</p> <p>23 COUNCILOR BURTON: No, just what kind of</p>	<p>1 a yardstick do you use when I send you something</p> <p>2 from Council District Number One where we have</p> <p>3 dozens of bars, hotels, restaurants, stores? What</p> <p>4 kind of yardstick do you --</p> <p>5 COMMISSIONER BODI: Yes.</p> <p>6 COUNCILOR BURTON: Not yes. When that</p> <p>7 call comes in or that E-mail comes in, what kind</p> <p>8 of criteria do you --</p> <p>9 COMMISSIONER BODI: Yes.</p> <p>10 COUNCILOR BURTON: -- put into play?</p> <p>11 COMMISSIONER BODI: I want to preface the</p> <p>12 answer to that question by underscoring the very</p> <p>13 highly unusual circumstances that were presented</p> <p>14 in this case. Highly unusual. You had a Chief</p> <p>15 that was involved in a brawl with -- in a</p> <p>16 metaphorical sense. I've got to be careful with</p> <p>17 my words, but in a metaphorical sense with the</p> <p>18 head of law enforcement. This had been going on</p> <p>19 back and forth, and it was -- Representative Eaton</p> <p>20 is a very powerful State legislator, and he</p> <p>21 demonstrated his ability to exert that. Whether</p> <p>22 one wants to make a value judgment on that or not,</p> <p>23 it had a very significant and profound impact on</p>
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<p>1 that. It also affected other Commissioners, not</p> <p>2 the least of which was Commissioner Russell. All</p> <p>3 of these things created a highly, highly unusual</p> <p>4 circumstance.</p> <p>5 Having said that, I believe that a</p> <p>6 Commissioner needs to be as responsible as they</p> <p>7 possibly can to concerns of the public and</p> <p>8 certainly licensees. And I think, Councilor, I</p> <p>9 have demonstrated to you, and you know how I have</p> <p>10 been responsible to the concerns that you have.</p> <p>11 And when a public official calls me and -- and</p> <p>12 makes a reasonable request that will facilitate</p> <p>13 providing better service, I think it's -- it's --</p> <p>14 I think generally speaking it's obvious. It's</p> <p>15 stating the obvious. We all want to do the right</p> <p>16 thing.</p> <p>17 A call that would be considered the wrong</p> <p>18 thing would be to say, for example, somebody</p> <p>19 calling me up and saying I do not get along with</p> <p>20 this particular enforcement officer. I want him</p> <p>21 to be moved out of this area. And I think that</p> <p>22 that would be inappropriate. I would say let me</p> <p>23 look into it. Hypothetically. Let me review it.</p>	<p>1 Let me pass this onto the Chief, but that would</p> <p>2 not be something that I would act on immediately.</p> <p>3 I would respond to it.</p> <p>4 But I certainly want to emphasize that</p> <p>5 this was a highly unusual circumstance. And the</p> <p>6 vast majority of interactions we have certainly</p> <p>7 with the public and public officials that handle</p> <p>8 appropriately, professionally and -- um --</p> <p>9 consistent with the type of conduct that you would</p> <p>10 expect of our good elected officials.</p> <p>11 COUNCILOR BURTON: Prior to this time had</p> <p>12 you had any political, community, professional</p> <p>13 relationships with Representative Eaton?</p> <p>14 COMMISSIONER BODI: No. I served in the</p> <p>15 Legislature back in 1976, and he was a member of</p> <p>16 the General Court at that time, but I've had none.</p> <p>17 COUNCILOR BURTON: Prior to this time,</p> <p>18 had you had any relationship communitywise,</p> <p>19 businesswise to Randy Filiault, the owner of this</p> <p>20 tavern at this time, when this incident occurred?</p> <p>21 COMMISSIONER BODI: No, I did not.</p> <p>22 COUNCILOR BURTON: If this panel decides</p> <p>23 to deny the Petition for Removal, are you ready to</p>

<p style="text-align: right;">617</p> <p>1 assume the duties again as the Chairman and/or a</p> <p>2 member of the New Hampshire Liquor Commission?</p> <p>3 COMMISSIONER BODI: Councilor, I have</p> <p>4 been exclusively focused -- exclusively focused on</p> <p>5 coming forward and discussing and being responsive</p> <p>6 to the questions regarding this incident. I've</p> <p>7 had many different thoughts regarding what my</p> <p>8 future holds. My number one priority is to</p> <p>9 demonstrate that I acted honorably and consistent</p> <p>10 with the oath I had. So the truthful answer is I</p> <p>11 am not sure.</p> <p>12 COUNCILOR BURTON: I have no further</p> <p>13 questions or comments to make.</p> <p>14 GOVERNOR LYNCH: Any further questions</p> <p>15 from the Executive Council?</p> <p>16 COUNCILOR SHEA: Governor.</p> <p>17 GOVERNOR LYNCH: Yes.</p> <p>18 COUNCILOR SHEA: What bothered me mostly</p> <p>19 here is the immediate press attack on Eaton and</p> <p>20 then subsequent to that the AG's Office. I -- um</p> <p>21 -- it seems so unusual because it happens so fast,</p> <p>22 and it deviated, camouflages what the original</p> <p>23 charge was.</p>	<p style="text-align: right;">618</p> <p>1 UNIDENTIFIED VOICE: Can't hear you.</p> <p>2 COUNCILOR WIECZOREK: Make sure your</p> <p>3 mike's on.</p> <p>4 COUNCILOR HOLLINGWORTH: There you go.</p> <p>5 COUNCILOR SHEA: One question. Do you</p> <p>6 still have budgeted for an attorney? Last time I</p> <p>7 checked, you did.</p> <p>8 COMMISSIONER BODI: Councilor, I -- I --</p> <p>9 I'm not aware of the -- in the interest of the</p> <p>10 fiscal requests that we have. There have been so</p> <p>11 many since I left, so I couldn't answer that. I</p> <p>12 haven't looked at or I haven't had any discussions</p> <p>13 at all with members of the Liquor Commission</p> <p>14 professional staff, so I do not know the answer to</p> <p>15 that.</p> <p>16 COUNCILOR SHEA: It was rumored at one</p> <p>17 point you just didn't want questions asked by an</p> <p>18 attorney. I assume that's not the real reason</p> <p>19 that he left.</p> <p>20 COMMISSIONER BODI: Your question was</p> <p>21 that I didn't want questions asked by the</p> <p>22 attorney?</p> <p>23 COUNCILOR SHEA: Yes.</p>
<p style="text-align: right;">619</p> <p>1 COMMISSIONER BODI: That is certainly not</p> <p>2 accurate, and let me tell you this. Mike Brown,</p> <p>3 who is a good person and the number two person in</p> <p>4 the Department of Justice, stated to me that the</p> <p>5 particular individual that we're speaking of was</p> <p>6 the worst State employee he had ever encountered</p> <p>7 in State service. The change that we made was</p> <p>8 based on performance, and that certainly had</p> <p>9 nothing to do with the questions that he was</p> <p>10 asking me or Commissioner Russell.</p> <p>11 COUNCILOR SHEA: Okay. My other big</p> <p>12 problem I'm having is you constantly use the word</p> <p>13 I, but you've got a Commission of three</p> <p>14 Commissioners normally, yet there's never a</p> <p>15 reference to the other Commissioners being</p> <p>16 involved in anything. Why is that?</p> <p>17 COMMISSIONER BODI: Well, I mean a couple</p> <p>18 of reasons. This incident involved me and not</p> <p>19 them. But, second of all --</p> <p>20 COUNCILOR SHEA: It involved the whole</p> <p>21 Commission.</p> <p>22 COMMISSIONER BODI: Excuse me. It</p> <p>23 involves this. The particular incident involves</p>	<p style="text-align: right;">620</p> <p>1 me, and I am the one who's the subject of it. I</p> <p>2 have always deferred to other members of the</p> <p>3 Commission on every major issue. At the time</p> <p>4 there are only two Commissioners and for quite</p> <p>5 some time due to Commissioner Russell's illness.</p> <p>6 I mean she made every effort to do what she</p> <p>7 could. We were short-handed, if you will.</p> <p>8 So, like it or not, the burden of many of</p> <p>9 these decisions were on my shoulders, but I</p> <p>10 certainly did not assume that I was in command and</p> <p>11 in control, as General Haig would say, and I did</p> <p>12 everything I could. As a matter of fact,</p> <p>13 Commissioner Russell was in charge of Enforcement</p> <p>14 right up to the time.</p> <p>15 COUNCILOR SHEA: I know that you split</p> <p>16 things up or they used to split things up.</p> <p>17 COMMISSIONER BODI: Yes.</p> <p>18 COUNCILOR SHEA: Registration. But I</p> <p>19 still got to reread testimony about the actions</p> <p>20 that we're looking at today, and I'm not clear on</p> <p>21 every item, but those are two items I'm concerned</p> <p>22 about the operation of the Commission and then</p> <p>23 determining just what happened and why only you</p>

<p style="text-align: right;">621</p> <p>1 were involved with this process.</p> <p>2 COMMISSIONER BODI: Well --</p> <p>3 COUNCILOR SHEA: I haven't heard</p> <p>4 anyone -- anyone else come forward and criticize</p> <p>5 Representative Eaton. No follow-up was made when</p> <p>6 Mr. Hill was here to find out if there were</p> <p>7 recriminations to what happened. And I'd like --</p> <p>8 I'm curious to see if that happens, also, but for</p> <p>9 right now I've got a lot of reading to do.</p> <p>10 COMMISSIONER BODI: Councilor, I would</p> <p>11 just like to add one thing, and with respect to my</p> <p>12 conferring with Commissioner Simard I also felt at</p> <p>13 the time it was bad enough I was being dragged</p> <p>14 into all this. We needed to have one Commissioner</p> <p>15 who had no knowledge at all of what was going on</p> <p>16 so they could potentially serve in an adjudicative</p> <p>17 role in the event there was a hearing. That was a</p> <p>18 necessity.</p> <p>19 From the very moment I received that</p> <p>20 phone call, as the law requires, I advised the</p> <p>21 Chief of it, and I indicated that I might likely</p> <p>22 have to recuse myself. So at that point I knew</p> <p>23 that we only had two Commissioners. Commissioner</p>	<p style="text-align: right;">622</p> <p>1 Simard would like -- would be the hearings officer</p> <p>2 in this case. So -- and that was also a factor</p> <p>3 involved in it.</p> <p>4 COUNCILOR HOLLINGWORTH: Governor.</p> <p>5 GOVERNOR LYNCH: Mark, I just have a</p> <p>6 couple of factual questions for you. The</p> <p>7 equipment was returned on the 16th; is that</p> <p>8 correct?</p> <p>9 COMMISSIONER BODI: I believe so,</p> <p>10 Governor.</p> <p>11 GOVERNOR LYNCH: Okay. And at what time</p> <p>12 in the morning did you and Chief Edwards have the</p> <p>13 discussion such that then the equipment would --</p> <p>14 the order for the equipment to be returned was</p> <p>15 made?</p> <p>16 COMMISSIONER BODI: I do have a document</p> <p>17 that we prepared, several documents that outline</p> <p>18 the chronology so that I could most accurately</p> <p>19 reflect my memory, and I think it would be useful</p> <p>20 if the Council had the benefit of that and if I</p> <p>21 could refer to it. If not, I'll do the best that</p> <p>22 I can to do that. My best recollection. Your</p> <p>23 question was at what time --</p>
<p style="text-align: right;">623</p> <p>1 GOVERNOR LYNCH: When in the morning did</p> <p>2 you have that discussion such that at the time the</p> <p>3 decision was made to return the equipment? About</p> <p>4 what time?</p> <p>5 COMMISSIONER BODI: Yes, it was late --</p> <p>6 it was later in the evening. Late in the evening.</p> <p>7 GOVERNOR LYNCH: So it was the evening of</p> <p>8 the 15th?</p> <p>9 COMMISSIONER BODI: Again, Governor, if I</p> <p>10 could refer to my chronology, I could give you as</p> <p>11 precise answer as I best recollect it, but I -- I</p> <p>12 believe so. I believe so.</p> <p>13 GOVERNOR LYNCH: Well, I'm not sure. You</p> <p>14 believe. I think the equipment was returned on</p> <p>15 the 16th.</p> <p>16 COMMISSIONER BODI: Oh.</p> <p>17 GOVERNOR LYNCH: So my question is a</p> <p>18 simple one. I mean it may be a difficult answer,</p> <p>19 but when was the meeting you had with Chief</p> <p>20 Edwards such that the order was given to return</p> <p>21 the equipment? Was it that morning on the 16th or</p> <p>22 was it the previous evening?</p> <p>23 COMMISSIONER BODI: The evening of the</p>	<p style="text-align: right;">624</p> <p>1 day that the second search warrant was executed</p> <p>2 was the day that I received the second phone call</p> <p>3 from Representative Eaton. It was late in the</p> <p>4 day. And the Chief and I worked late that night</p> <p>5 discussing these things. When I instructed that</p> <p>6 it be returned, my assumption would be that it</p> <p>7 would be returned, obviously to me, the following</p> <p>8 day.</p> <p>9 GOVERNOR LYNCH: Okay. Okay. So that</p> <p>10 was -- the answer is you had the discussion the</p> <p>11 night before, and basically the discussion was</p> <p>12 return the equipment by the end of the following</p> <p>13 day.</p> <p>14 COMMISSIONER BODI: I believe so.</p> <p>15 GOVERNOR LYNCH: Okay. And prior to that</p> <p>16 meeting that you had with the Chief had you had a</p> <p>17 discussion with either Randy Filiault or</p> <p>18 Representative Eaton that you -- that you would</p> <p>19 return the equipment the next day?</p> <p>20 COMMISSIONER BODI: No. I had spoken</p> <p>21 with Randy Filiault during the time period where</p> <p>22 the Chief -- as I recall to the best of my</p> <p>23 recollection, during the time frame in which I</p>

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<p>1 contacted the Chief, and he was en route to my</p> <p>2 office. I made the decision to have the equipment</p> <p>3 returned after discussing this matter with the</p> <p>4 Chief. In my earlier phone call with Randy</p> <p>5 Filiault, I conveyed to him, as I conveyed to</p> <p>6 Representative Eaton, that I will look into it.</p> <p>7 It was the urgency of -- the urgency that</p> <p>8 I felt regarding the nature of Representative</p> <p>9 Eaton's call, the seizure of equipment that was</p> <p>10 beyond the scope of the first warrant, and the</p> <p>11 additional plans made by the licensee. All of the</p> <p>12 discussion at that time was regarding equipment.</p> <p>13 Never, ever was the word evidence used.</p> <p>14 GOVERNOR LYNCH: When did Randy Filiault</p> <p>15 know that the equipment would be returned the day</p> <p>16 of the 16th?</p> <p>17 COMMISSIONER BODI: I believe he was made</p> <p>18 aware of it on the evening of the 15th, but I'm --</p> <p>19 I'm not entirely certain without referring to my</p> <p>20 chronology.</p> <p>21 GOVERNOR LYNCH: And do you know who</p> <p>22 would have told him that?</p> <p>23 COMMISSIONER BODI: I believe I did.</p>	<p>1 GOVERNOR LYNCH: Okay. And then my last</p> <p>2 couple questions have to do when -- when did</p> <p>3 Representative Eaton know, if he did at all, that</p> <p>4 the equipment would be returned on the 16th?</p> <p>5 COMMISSIONER BODI: I had -- the first</p> <p>6 call that I made following my decision was to</p> <p>7 Representative Eaton. I was unable to reach him,</p> <p>8 as I remember it, but I left him a voice message</p> <p>9 indicating that the equipment, not the evidence --</p> <p>10 I didn't mention the evidence. I said the</p> <p>11 equipment would be returned.</p> <p>12 GOVERNOR LYNCH: And you made that call</p> <p>13 on the 15th, to the best of your recollection.</p> <p>14 COMMISSIONER BODI: In the evening.</p> <p>15 GOVERNOR LYNCH: In the evening. Okay.</p> <p>16 Councilor Hollingworth.</p> <p>17 COUNCILOR HOLLINGWORTH: I would like to</p> <p>18 take the same line of questioning that the</p> <p>19 Governor is because several statements that Chief</p> <p>20 Edwards made trouble me. He said that he didn't</p> <p>21 tell you about the second warrant because he</p> <p>22 thought that you might tell him not to do it. And</p> <p>23 he also said that he -- he filed the complaint</p>
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<p>1 without telling you because he thought you might</p> <p>2 not want him to do it.</p> <p>3 And he said that -- and he didn't tell</p> <p>4 you about the facts about the phone call to the</p> <p>5 AG, that it wasn't he that made the phone call and</p> <p>6 that it was not necessarily to complain about</p> <p>7 Eaton but to have somebody go to the Railroad</p> <p>8 Tavern. And he also said that he was in the room</p> <p>9 with you when you were talking -- I think you --</p> <p>10 at that time you were talking to the owner of the</p> <p>11 tavern. And you said that the equipment would be</p> <p>12 returned to them that night, and he shook his head</p> <p>13 no.</p> <p>14 Now, again, I don't have the transcript</p> <p>15 in front of me which handicaps things that I am</p> <p>16 hearing this exactly, but it -- it doesn't seem</p> <p>17 that he's doing you any favors. It -- and it</p> <p>18 doesn't coincide with what you've been telling</p> <p>19 us. He also said -- he said that you said, "Make</p> <p>20 it go away." That you said. And do you find this</p> <p>21 unusual that there's this conflict of what we are</p> <p>22 hearing?</p> <p>23 COMMISSIONER BODI: Absolutely.</p>	<p>1 Absolutely, Councilor, and I think it -- and I</p> <p>2 think it reflects the highly unusual nature of</p> <p>3 this. I certainly -- in the sense that Eddie</p> <p>4 Edwards -- I -- and I can only -- I can't think</p> <p>5 for Eddie, but I know that -- you know, I -- I</p> <p>6 believed Eddie Edwards to be an honest and ethical</p> <p>7 person but not certainly a person without some</p> <p>8 faults and some difficulties that we faced.</p> <p>9 It was my job to manage those the best</p> <p>10 that I could. And I think through his testimony</p> <p>11 you could see that, like a lot of hard -- hard-</p> <p>12 driven police officers, they're not always the</p> <p>13 easiest to manage. I think I should have been</p> <p>14 informed under the circumstances of the second</p> <p>15 warrant. I do not believe that I would have</p> <p>16 ordered him not to do that. If, by any stretch of</p> <p>17 the imagination -- again, I had no -- nothing to</p> <p>18 gain by doing that because there would have been</p> <p>19 numerous opportunities for me to aid Dan Eaton</p> <p>20 farther on down the line, the administrative line,</p> <p>21 without drawing any attention to this whatsoever.</p> <p>22 The easiest would have been my not signing the</p> <p>23 administrative notice. We only had two</p>

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<p>1 Commissioners, so if I didn't sign it, and even if</p> <p>2 Commissioner Simard signed it, it would have</p> <p>3 failed. That simple.</p> <p>4 What I was trying to do was read through</p> <p>5 all of this and make it -- I agree with you. I</p> <p>6 think that unfortunately the emotions, the very</p> <p>7 high-pitched emotions that were interjected by</p> <p>8 Eddie Edwards, his views, Representative Eaton and</p> <p>9 his views of Eddie Edwards complicated this</p> <p>10 immensely. And I can comment, if you'd like, a</p> <p>11 little bit more on the fix-it problem, but I don't</p> <p>12 want to go on and on and on. I'll leave it up to</p> <p>13 you.</p> <p>14 COUNCILOR HOLLINGWORTH: Well, do.</p> <p>15 Because you said --</p> <p>16 COMMISSIONER BODI: Yes. Yes. I met</p> <p>17 with the licensee in an honest and forthright</p> <p>18 effort to see if -- A, to find out what the heck</p> <p>19 was going on. This thing with the Railroad Tavern</p> <p>20 had been going on for a full year. I mean we had</p> <p>21 spent, you know, hours and hours as -- it was ad</p> <p>22 nauseam. I felt at that point, as you conveyed to</p> <p>23 me, you got Eddie over here saying one thing,</p>	<p>1 Eaton saying another thing, the bar owner saying</p> <p>2 another thing.</p> <p>3 I called Eddie, and I told him I was</p> <p>4 going to meet with him. He said, "Well, I don't</p> <p>5 think that's a good idea." I think he conveyed it</p> <p>6 as saying don't do that, and I felt I wasn't going</p> <p>7 to listen to him at that point in time. I had to</p> <p>8 get to the bottom of it. And I also -- and I know</p> <p>9 the Attorney General's Office disagrees with me,</p> <p>10 but I believe I had a responsibility to do that.</p> <p>11 I wasn't injecting myself directly in the case. I</p> <p>12 was trying to get to the bottom it.</p> <p>13 I had a meeting, and -- and I said to</p> <p>14 them at the outset of the meeting, "If any</p> <p>15 substantive facts in this case are discussed, I am</p> <p>16 going to have to recuse myself. Be aware of that</p> <p>17 if this comes to administrative hearing." We had</p> <p>18 a discussion that largely focused on big bashed</p> <p>19 Eddie Edwards, on and on and on, about the</p> <p>20 problems of the Enforcement Division.</p> <p>21 I confronted them with the letter from</p> <p>22 the condo association that indicated that they had</p> <p>23 some problems, and I said, "Well, you know, this</p>
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<p>1 isn't all just, you know, in our heads here." And</p> <p>2 I was still trying to figure it out. And it was</p> <p>3 at that time I had -- um -- and as my Grand Jury</p> <p>4 testimony stated, I listened intently [sic].</p> <p>5 The bar owner was in tears. Dan Eaton</p> <p>6 acknowledged that. He was crying in my office.</p> <p>7 Now, here you have Eddie, big, tall,</p> <p>8 strong guy. I mean he was oblivious to those</p> <p>9 emotions and oblivious to those concerns. I think</p> <p>10 Eddie felt, you know, I can take care of myself.</p> <p>11 I'm moving forward. I view this as having much</p> <p>12 greater responsibilities, much broader</p> <p>13 responsibilities in considerations that I had to</p> <p>14 think of.</p> <p>15 At the conclusion of that meeting,</p> <p>16 Councilor, I asked that Representative Eaton --</p> <p>17 and I did everything I could to assure the bar</p> <p>18 owner. I said, "You know, we certainly don't</p> <p>19 target. Don't worry. We will get to the bottom</p> <p>20 of this. We will review the facts." And that was</p> <p>21 the substance of the conversation.</p> <p>22 I did ask Dan Eaton to stay in my office,</p> <p>23 and I said to him, "Dan, is there any way that a</p>	<p>1 settlement can be reached with this," which occurs</p> <p>2 all the time. It is not unusual. And I wanted to</p> <p>3 get a sense of, and I had some thoughts about a</p> <p>4 settlement in terms of at least what they were</p> <p>5 presenting, but just in the back of my mind</p> <p>6 thinking how can I solve this? How can we move</p> <p>7 this forward? And I think Representative Eaton</p> <p>8 said he was going to talk to the bar owner and get</p> <p>9 back to me. And that was the extent of it.</p> <p>10 As time went on, and Eddie had continuing</p> <p>11 discussions with me about this, the</p> <p>12 inappropriateness of Dan Eaton's behavior, and he</p> <p>13 had indicated to me that he had talked about the</p> <p>14 union, and I thought Eddie was being a little coy</p> <p>15 with me saying that, you know, the union is going</p> <p>16 to complain. And I felt damn well that he knew</p> <p>17 that the union was going to complain, and that's</p> <p>18 when I said in my testimony, you know, I remarked</p> <p>19 that, you know -- you know, they're going to do</p> <p>20 whatever you want. And that's how I felt. I</p> <p>21 certainly wasn't trying to stop him because,</p> <p>22 again, I was trying to navigate this ethical</p> <p>23 boundary where I felt something wasn't right. You</p>

<p style="text-align: right;">633</p> <p>1 know, this just wasn't right. But there wasn't a  2 lot of room for me to move.  3 Ultimately, I -- um -- several days later  4 I said to Eddie, "You know, I hadn't heard back  5 from Dan Eaton." And I said, "Maybe I should call  6 him." He said, "I wouldn't do that if I were  7 you." And then I thought about it, and I  8 reflected on it. I reflected on it hard, and I  9 said, "You know -- you know, let the chips fall  10 where they may. You know, this thing is a mess,  11 and, you know, let the chips fall where they may.  12 The union is going to write a letter. So be it."  13 And when he came in -- he came into my  14 office -- um -- Representative -- Commissioner  15 Simard came into my office, and he said, "We have  16 this administrative notice, and Chief Edwards  17 wants to have an administrative hearing. He wants  18 to have it in Keene." And oh, great. Now we're  19 going to go to Keene, Representative Eaton's  20 district, and he's going to parade everybody out  21 there.  22 And I looked at Eddie, and it was like  23 oh, you know. Talk about theater. And he said,</p>	<p style="text-align: right;">634</p> <p>1 "You know, he's a bad operator," this, that and  2 everything else. And I said, "I'm not signing  3 that. I refuse. I notified that. Give it to  4 Commissioner Simard." I said, "Contact the  5 Attorney General's Office. Get all the help you  6 need." And that was it.  7 COUNCILOR HOLLINGWORTH: Thank you.  8 GOVERNOR LYNCH: Are there any further  9 questions by members of the Council? Okay. Thank  10 you very much, Mr. Bodi.  11 COMMISSIONER BODI: Thank you, Governor.  12 Thank you, members of the Council.  13 MS. RICE: Governor, I hate to do this,  14 but he's opened up a number of areas that I think  15 are problematic, and I would like to have an  16 opportunity to ask him some more questions.  17 GOVERNOR LYNCH: Well, I'll take that  18 under advisement. We're going to adjourn now. My  19 plan tomorrow would be to hear the statement from  20 Mr. Eaton, however form that takes, and then go  21 into closing arguments. And we will respond to  22 your question tomorrow morning.  23 MS. RICE: Okay.</p>
<p style="text-align: right;">635</p> <p>1 GOVERNOR LYNCH: Okay. So we're  2 adjourned till nine o'clock tomorrow morning.  3 Thank you all.  4 MR. MCLAUGHLIN: One technical comment,  5 Your Honor?  6 GOVERNOR LYNCH: Excuse me?  7 MR. MCLAUGHLIN: I said one technical  8 comment.  9 GOVERNOR LYNCH: Sure.  10 MR. MCLAUGHLIN: With due respect,  11 Commissioner Bodi didn't open anything.  12 Commissioner Bodi responded to questions.  13 GOVERNOR LYNCH: Okay. So we're  14 adjourned until nine o'clock tomorrow morning.  15 Thank you all.  16 (The proceedings were adjourned at  17 4:16 p.m.)  18  19  20  21  22  23</p>	<p style="text-align: right;">636</p> <p>1 CERTIFICATE OF REPORTER  2 I, Debra L. Mekula, Licensed Court Reporter of  3 the State of New Hampshire for the aforementioned  4 proceedings, do hereby certify that the evidence  5 and proceedings are contained fully and accurately  6 in the machine shorthand notes taken by me at the  7 hearing of the within cause at Concord, New  8 Hampshire, on Wednesday, September 22, 2010, that  9 the same were transcribed by me, and that this is  10 a true, complete, and accurate transcript of the  11 same.  12  13  14  15  16  17 <i>Debra L. Mekula</i>  18 Debra L. Mekula, LCR, RMR  19 Licensed Court Reporter  20 Registered Merit Reporter  21 N.H. LCR No. 26 (RSA 310-A)  22  23</p> 